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STATE RIGHTS AND POLITICAL PARTIES IN
NORTH CAROLINA: 1776-1861.

Dissertation

Submitted to the Board of University Studies of the Johns Hopkins University in conformity with the requirements for the Degree of Doctor of Philosophy.

by

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Preface.

This study was undertaken with the earnest desire to make some contribution, however slight, to the history of the native state of the writer. The political tendencies of North Carolinians between the War of Independence and the War of Secession have been set forth with as much clearness as the writer has been able to discern them. It is hoped that the monograph will serve as one block in the edifice which some future historian will erect when neither memory nor tradition can warp the truth in the story of Southern Secession.

A friend of the writer, Dr. John P. Hollis of South Carolina, now of the Bureau of Corporations, Washington, D.C., suggested the subject of the study. Grateful acknowledgment and thanks are especially due to Associate Professor James Curtis Ballagh, of the Johns Hopkins University, both for a careful and painstaking reading of the manuscript and for many helpful suggestions and criticisms. The kindly interest of Professor John Martin Vincent, Director of the Department of History at the Johns Hopkins University has been very helpful. Miss Mary Theresa Dallam of Baltimore kindly read the manuscript and aided in corrections. The

writer wishes further to express his appreciation of the courtesy and unfailing patience with which Mr. Miles O. Sherrill, North Carolina State Librarian, placed the resources of the Library at his command and added much to the pleasure of his work in Raleigh.

H. M. Wagstaff.

Baltimore, Maryland.

June, 1906.

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FIRST YEARS OF INDEPENDENCE: UNION.

Chapter 1.

In April 1775 the threatening aspect of the political situation in the province of North Carolina caused Josiah Martin, the royal governor, to take refuge under the guns of a British man-of-war lying in the Cape Fear River. From this date North Carolina was one year and a half without a constitution. Governmental authority was exercised during this period by the provincial council acting under the authority of a provincial congress which had convened soon after the governor's flight. At the call of the provincial council a second congress met in April, 1776. Together with its duty of providing ways and means for prosecuting the war, this body was expected to form a constitution. Though two parties were rapidly taking form among the patriots upon the subject of the constitution public opinion was not yet clearly expressed in principles.

Those who inclined towards a government of democratic type, with every department subject to the will of the people, gradually gathered into one camp under the leadership of Willie Jones. Others counseled conservatism in departing from old forms and wish the constitution to provide

-----A-----
(1) Journal of this congress is in N.C.Colonial Records, x, 164-220.

(1)

a government further removed from popular impulse. The conservatives recognized Samuel Johnston as the chief exponent of their principles. The relative strength of these two parties in the April congress is unknown. Neither was fully formed and ready for action. "Certain resolutions proposed as a foundation for a temporary civil constitution" were deferred from time to time without their contents being spread upon the journal. No action was had beyond this. The matter was left over for a future congress. But the delegates had been unanimous in voting to instruct the delegates of the colony in the Continental Congress to concur with the delegates of the other colonies in a declaration of independence. (2)

(3)

Three months later the Philadelphia Declaration reached Halifax, then the Seat of government in North Carolina, and was publically read to a very large assembly of patriots gathered for the interesting ceremony. (4)

A third congress was now called to meet in November and form a constitution for the independent state. The election of delegates to this congress developed warm partisanship between the radical and conservative factions. (5)

(1) Cf. Jo. Seawall Jones, Defence of North Carolina, 276.

(2) Journal, N.C. Colonial Records, X, 545, 547.

(3) Ibid., X., 512.

(4) Jones, Defence of North Carolina, 269.

(5) Ibid., 283.

The latter were distanced by their opponents. Samuel Johnston, the most prominent conservative leader, was defeated in his county for a seat in the congress and attended only as a lobbyist. Willie Jones was chosen as borough member from Halifax, the seat of the congress. Each of the thirty five counties sent up five delegates and nine boroughs one each.

The Halifax Congress organized on the 12th of November by the choice of Richard Caswell as president. Caswell was fresh from the scene of his victory⁽¹⁾ over the Highlanders at Moores' Creek in the Cape Fear county and his popularity was attested by the unanimous vote he received⁽²⁾ for presiding officer. On the second day a committee was appointed to draft a bill of rights and a constitution. Willie Jones was on this committee as well as the second leading radical in the state, Thomas Person. Popularizing influences early manifested themselves in the Congress. A motion⁽³⁾ was passed that for the future all questions should be determined by voice instead of by counties and towns, as formerly. An act of allegiance to the "independ-

(1) The battle of Moore's Creek was fought in Feb., 1776 between the revolutionary provincial forces under the command of Caswell and the Scotch Highlanders who had risen in favor of King George.

(2) Journal of the Halifax Congress, N.C.Col.Rec. X., 916.

(3) Journal, N.C.Col. Rec. X., 917.

ent State of North Carolina and to the Powers and Authorities which may be established for the good government thereof,"⁽¹⁾ was provided for enforcement upon citizens lukewarm to the revolution. The budding spirit of State nationalism had its expression in the appeal of the Congress to the law of nations in its demand upon Massachusetts for the return of a North Carolina brig, laden with salt, wine, and jesuit bark from Cadiz, Spain, siezed by a privateer⁽²⁾ out of Boston. The work of constitution-making went on amid such characteristically democratic proceedings as: "On motion, ordered, that sundry horses and a chariot, the property of the late Governor Martin, be sold for ready money on Monday next at 4 o'clock in the afternoon, in the town of Halifax, and that the proceeds of sale be paid into⁽³⁾ the Treasury of this Province".

The bill of rights brought forward by the Committee consisted of twenty-five articles which enumerated the usual guarantees of English liberty, such as freedom of conscience, freedom of the press, trial by jury, etc. and declared the people the sole and exclusive source of government, enjoining a frequent recurrence to fundamental principles.

(1) Journal, N.C. Col. Rec., X., 920.
 (2) Ibid., 996
 (3) Ibid., 920.

It was in the constitutional document proper that the popular party purposed to enthrone democracy. Yet the completed instrument indicated the extremely mild form of radicalism prevalent at that date. Many features indeed showed the ear-marks of compromise. Legislative authority was vested in a biennial assembly annually elected by the people under certain restrictions. The judicial and executive branches of the government were to an extent subordinated to the legislative branch through the power given the assembly to elect both the governor and the judges of (1) the various courts. Likewise nearly all other officers including an attorney general, treasurer, councillors of State, generals and field officers of the militia and the regular army, were to be elected by the two houses. The theory was that through annual elections the assembly would be directly under the control of the people and reflect their will. But the franchise was so hedged about that even this tempered concession to democracy was partially negatived.

A state senator had to possess three hundred acres

(1) N. C. Col. Rec. X., 1003. This Bill of Rights was declared a part of the constitution by the 44th Article of the later document.

(2) The justices of the peace in the respective counties were likewise to be chosen by the assembly and commissioned by the governor (Art. 33). Though not provided in the Constitution the county sheriffs were also elected by the Assembly.

in fee. To vote for a senator a freehold qualification of fifty acres was necessary. To vote for a commoner only the
 (1)
 payment of public taxes was required. Evidently there was small reason for Johnston's querulous complaint "I am in great pain for the honor of the province " he wrote. "Every one who has the least pretensions to be a gentleman is suspected and borne down per ignobile vulgus - a set of men without reading, experience, or principle to govern
 (2)
 them." The Constitution, though certainly not admirable in many respects, bore the impress of sincerity; and though conservative according to present day standards, it satisfied the demands of the radical party of 1776.

There was much need, however, for compromise between the two Whig factions. Stability in the government was essential to the success of the revolutionary party. The internal strife with the Tories was perhaps more bitter in North Carolina than in any other of the American colonies. There were two main causes for this beside the internal and usually wholesome difference of opinion upon political questions, first, the population of North Carolina, viewed as a whole, was composed of non-homogeneous groups. Second, a long period of pro-Revolutionary mismanagement had destroyed the faith of the frontier settlers in the wisdom

(1) N.C. Constitution of 1776., sections VII. and VIII. Col. Rec. X., 1006.

(2) N.C. Col. Rec. X., 1041. Johnston to Jas. Iredell, Dec. 9, 1776

and justice of the rule of the older, more populous, and wealthier seaboard. The overflow from the older seaboard settlements made up a back-country population of hardy English stock which had been unable, up to the Revolutionary period, to induce the eastern or seaboard region to extend to them any share in the provincial government.

The first result of this sectional divergence was the Regulators' War of 1769-1771, which grew directly out of oppressive taxation and an unjust judicial system applied by the East to the back-country. (1) In essence it was a rebellion of the new West against the old East and eastern misrule. The Regulators, who had assumed the administration of justice in the central and western counties according to their own ideals, were crushed by Eastern bayonets under the command of the royal governor, William Tryon. Hence, when the Revolutionary War broke out it was the East rather than the English that many of the old Regulators were ready to fight. Their coalition with the great body of Highlanders in the Cape Fear region, who were monarchists by mental inheritance as well as by moral conviction, tore the embryo state assunder and gave a determined and bloody character to the civil strife carried on through

(1) For a full treatment of the Regulators' War and its causes see Haywood. Tryon in North Carolina. Also a good sketch in Saunders' Introduction to Vol. VIII. of N.C.Col. Records.

out the Revolutionary period. The fires of internecine
 warfare burned brightly in the middle counties (1) even while
 the tacit truce existed from 1781 to 1784 between the Con-
 tinental and British forces at New York and Charleston.
 The Battle of Moores' Creek in February, 1776, between the
 state revolutionary troops and the continental forces of
 the Highlanders and the Regulators, had begun the discom-
 feiture of the Loyalists in North Carolina and the defeat
 of Ferguson at King's Mountain in 1780 had completed it. (2)

The struggle between the Loyalists and the patriots
 was so characterized by personal bitterness that even after
 independence of England was assured the memory of past suf-
 ferings and hatred could not be wiped out. The bitterness
 rather deepened for awhile against the defeated faction.

(1)
 The general assembly in 1782 passed an act of wholesale
 confiscation of the property of a long list of Loyalists,
 beginning with Governors Tryon and Martin, and including
 all who were prominent as royal sympathizers. The treaty
 of peace between England and the United States in 1784 was
 careful to provide for rights of return to all fugitive
 Loyalists and for a restitution of their property. But
 North Carolina was in no more conciliatory mood toward the

(1) Washington's Works, Washington to LaFayette, Jan. 2, 1782.

(2) See Autobiography of Edmund Fanning, the notorious N.C. Tory leader.

defeated Tories in 1784 than in 1782. The victors were un-
 (1)
 willing to give up the large amount of confiscated property.
 The radicals, headed by Jones and now in a large majority,
 were too conscious of the state's individual sovereignty,
 and too proud of its new-man independence to defer mate-
 rially to the obligations incurred by the Congress of the
 loosely-jointed Confederation.

A few only were sufficiently imbued with ideas of
 international honor to enable them to rise above fac-
 tional hatred. These belonged mainly to the party of
 Johnston and represented the conservative minority. Among
 them were Johnston, James Iredell, Alexander McLaine, Wm.
 R. Davie and Wm. Hooper - each a man of political energy.
 They watched with jealous care the growth of their party
 sentiment and deprecated the evident tendency of the rad-
 ical majority to individualize the state and place its in-
 terests paramount to those of the Confederation. It was
 the conservative party, therefore, which received with
 eagerness the idea of a reform in the Articles of Confed-
 (2)
 eration. Anarchy not only in international obligations,
 but in finance, in justice, - and a general failure to real-
 ize the blessings that independence seemed to promise had

(1) McKee, II., 93, Iredell to Pierce Butler.

(2) McLaine to Will Hooper, N.C.State Records, XVI., 944.

succeeded the treaty of peace. The conservatives in North Carolina furnished a full share of the sentiment which was growing strong throughout the country and demanded a closer union of the states as a means of ending the confused condition into which they were falling.

But with the majority in North Carolina the movement for creating an efficient union gathered force slowly. The party in power by no means despaired of the state or showed signs of a loss of faith in independent state democracy. Willie Jones was a personal friend of Thomas Jefferson and possessed even more democratic ideals than the Virginia leader. The fundamental keynote of Jones' position was an independent state democracy administered along fraternal lines and with just so much connection with the other states as to insure peace between them. This spirit of particularism Jones carefully fostered in his party, the members of which, for a number of years, accepted his views as re-enacted law.

The general result of this state rights or particularistic spirit was an almost total lack of interest by the majority party in the affairs of the Confederation. State politics absorbed all its interests. Delegates were chosen to Congress but their seats were for the most part vacant. Throughout the year 1786 the chairman of Congress

continually urged upon Governor Caswell the importance of
 (1)
 having the state represented, and the governor as continually urged the representatives to go forward, but it was not until June of that year that the first North Carolina delegate arrived in New York. Three delegates arrived in that month, but almost immediately sought to be relieved by
 (2)
 other delegates who had not yet attended at all. The idea prevailed that there should be rotation among the state delegates in the disagreeable task of attending Congress. In December, 1786 the state was again totally unrepresented. The lack of sufficient remuneration and the slow methods of transportation, as well as the general want of interest in Confederation affairs, increased the disinclination to
 North
 serve in Congress. The salaries of the Carolina delegates were sixty-four pounds each per month, paid by warrants on the state treasury in depreciated state paper money. The depleted state of the treasury often rendered this difficult
 (3)
 of collection. But, despite the lack of interest manifested by North Carolina and members of the other states, the American Confederation was now on the eve of a marvelous political change, a change the more wonderful in that it was so far from being generally demanded by the thirteen

(1) N.C.State Records, XVIII., 515,659, et.seq.

(2) Timothy Bloodworth to Gov. Caswell, Sept. 4, 1786, N.C. Records, XVIII., 724, and Chas. Johnston to Caswell, , 773.

(3) N.C. Records. XVIII., 309. Report of Legislative Committee.

independent sovereignties affected.

In February, 1786, Governor Caswell received the resolutions of Virginia respecting the appointment of commissioners to meet at Annapolis the following September for the purpose of taking into consideration the trade of the United States and to report on some method of securing unity of action and harmony between their jangling interests. The assembly not being in session Governor Caswell, by the advice of his council, appointed five commissioners (1) to attend at the time, place, and for the purpose named. Caswell, who stood in politics midway between the radicals and conservatives, showed an earnest desire that the appointees should attend and urged them to do so (2) Only one of the number, however, Hugh Williamson, made an effort to be present. After some delay by weather and bad travel Williamson reached Annapolis on the 14th of September, the day the Convention adjourned.

Though not having effected its immediate purpose of regulating inter-state trade, the Annapolis Convention served a larger purpose in its recommendations to Congress to call a constitutional convention. Acting upon this recommendation Congress, within the same month, invited the

(1) N.C., State Records XVIII., 550.

(2) Ibid., XVIII., 582. Letters to the Commissioners.

thirteen states to send delegates to Philadelphia in May, 1787, for the purpose of providing remedies for the weakness of the existing Union.

The General Assembly of North Carolina on the 19th of November responded by the appointment of a delegation of five. As usual by the Assembly the delegates consisted of Willie Jones, Alexander Martin, Richard Dobbs Spaight, William R. Davie, and Governor Caswell. It was understood (1) that three of these Jones, Martin, and Caswell, were State Rights men. Spaight and Davis were avowedly favorable to the idea of greatly strengthening the Federal government. (2) (3) The preamble to the act of appointment, however, embodied the sentiments of the Conservatives and seems to have been due to their exertions. Perhaps it was on this account as much as for his lack of sympathy with the proposed to strengthen the Union at the expense of the privileges of the states that Jones at once declined to serve on the delegation. The Governor, so empowered by the act filled the vacancy by the appointment of Hugh Williamson, (4) and also appointed William Blount in his own stead. Both Williamson and Blount classed as Conservatives. Hence the

(1) McRee II., 151. Iredell to Mrs. Iredell, Sept. 30, 1786.

(2) Ibid. II., 168, Spaight to Iredell.

(3) Public Acts of N.C., 1786, 412.

(4) N.C. State Records, IX., 627, 628.

complexion of the delegation was entirely changed. Only one radical, ex-Governor Martin, remained among the whole number of five composing the commission.

When the Constitutional Convention began regular sessions at Philadelphia on the 25th of May, 1787, with George Washington as president, only one of North Carolina's delegation, William R. Davie, had arrived. The remaining members, however, appeared soon after organization. Great unanimity prevailed among the five throughout the period of the Convention. Martin acted with his colleagues apparently without reference to party affiliation. The delegates seemed conscious of the importance of the crisis and its probable influence upon the destiny of America. On the

(1)

14th of June the commission wrote to Governor Caswell: "A very large field presents to our view, without a single straight or eligible road that has been trodden by the feet of nations. A Union of Sovereign States, preserving their civil liberties and connected by such ties as to preserve permanent and effective Governments * * * is a circumstance that has not occurred in the history of man". The tone of this whole letter shows conclusively that no thought had ever occurred to the delegates that North Carolina would divest herself of sovereignty in the process of

(1) N.C. State Records, XX., 323.

of union with the other states.

The injunction of secrecy laid by the Convention upon itself prevented members from keeping their states informed as to the progress of the Convention's labors. But a correspondence kept up between the North Carolina delegates and prominent men at home enabled the delegates to judge the temper of the state. Governor Caswell wrote, July 26, to Spaight: "From the hint you threw out in your first letter I am induced to think that the plan of a National Parliament and Supreme Executive, with adequate powers to the Government of the Union, will be more suitable to our situation than any other; but I should wish also an independent judicial department to decide any contest that may happen between the United States and individual states, (1) and between one state and another." Davie wrote James Iredell, the ablest advocate of North Carolina, to inquire as to how far the introduction of judicial powers, derived from Congress, would be politic and practicable in the (2) state. As we shall see later, the operation of a federal judiciary was the feature of the Constitution most dreaded by the people of North Carolina.

(1) N.C. Records XX., 752. From Executive Letter-book.

(2) McRee, Life and Correspondence of James Iredell, II. 161.

In the Convention, North Carolina, as one of the largest states, naturally used her vote to conserve this advantage. Her delegation from the first demanded representation in proportion to population in both the House and Senate, but finally agreed to equality in the latter on condition that usually bills should originate in the former. Where the question of the method of choosing senators came up Davie insisted on their election by state legislatures.⁽¹⁾ He brought the remainder of the delegation to this view and cast the vote of the state for that method in opposition to the plan of election by the House from nominations made by the state legislatures supported by Massachusetts, Virginia, and South Carolina. In the discussions upon this topic Mr. Davie clearly indicated his views as to the nature of the government in process of formation.⁽²⁾ It was, he said, partly federal and partly national: 'it ought in some respects to operate on the states, in others on the people. Alexander Martin said: "United America must have one general interest to be a nation, at the same time preserving the particular interests of the states."⁽³⁾

(1) Madison Papers, Supplementary to Elliott's Debates on the Federal Constitution, V., 265.

(2) Ibid., V., 265, 281.

(3) H.C. Records, XX., 753. Martin to Governor Caswell. With Martin, however, the political pendulum has swung so far away from particularism that events were soon to prove that he had lost the confidence of his party.

(1)

Naturally North Carolina's vote in each instance was cast in support of the Southern demand that at least three-fifths of the states should be included in the apportionment of representatives in the House. In this connection Iavie pointed out that North Carolina would never confederate on any terms that did not rate the blacks as at three-fifths. "If the Eastern States meant, therefore," he said, "to exclude them altogether, the business was at an end." (2) Williamson held the same view. (3) The North Carolina delegation was luke-warm as to the continuation of the slave-trade but voted with South Carolina and Georgia, (4) apparently from a fear that these states would reject the Constitution provided the trade was abolished at once.

In the apportionment of representatives in the lower branch of Congress the Convention allotted only five members to North Carolina. This number just equalled one-thirteenth of the whole number to compose the first Congress. The state's share of the debt of the Confederation had in no year been rated as high as one-thirteenth of the total; therefore, lest a present increase in the apportioned number of representatives should mean also a corresponding increase in the state's share of the common debt, the

(1) Madison Papers. Supl., Elliott's Debates, V., 301, 471.

(2) Ibid., 303. (3) Ibid., 296.

(4) Ibid., 400. Speech of Williamson.

delegates from North Carolina contented themselves with the
 (1)
 number assigned until the new apportionment. In 1790 a
 general census was to be taken and thereafter 30,000 of
 population, including three-fifths of the slaves, should be
 the unit of representation.

When the Convention finished its labors at Philadel-
 phia three members only signed the Constitution for North
 (2)
 Carolina: one of these doing so with the expressed reser-
 vation that the act did not bind him to the support of the
 instrument in his own state. Dissension had broken out
 afresh among the delegates from the various states at the
 very last moment. Many expressed themselves as dissatis-
 fied with the final result. Davie and Martin had returned
 home to meet business engagements just before the Constitu-
 tion came from the Committee in completed form. Davie
 would certainly have signed, and Martin very probably.

While the report of the Philadelphia Convention was
 still in the hands of Congress, North Carolina held her an-
 nual election for members of the General Assembly. It was
 felt that this election was the preliminary skirmish to be

(1) N.C. State Records IX., 778, The Delegates to Govern-
 or Caswell.

(2) Wm. Gloant.

aged over the adoption of the federal constitution. Hence an unusual degree of interest was awakened forthwith. The Conservatives now beginning to call themselves federal men, made strenuous efforts to control the approaching Assembly. They were so far successful that when the Assembly met in November they were able on joint ballot to elect Samuel Johnston governor and to call a state convention to meet at Hillsboro in the following July to pass upon the Constitution. At the beginning of the year Johnston was inducted into office with great enthusiasm, his election appearing to the federalists as an augury of success for the Constitu-

(1)

tion. Others, however, were not deceived as to the shoals ahead.

(2)

The radical leaders, now anti-federalists, aroused themselves to the greatest activity, determined to secure an overwhelming majority in the Convention. Willie Jones began early in 1788 to marshal his forces. Residing at Halifax on the Roanoke he personally directed the campaign in the eastern and northeastern sections of the state. Able lieutenants directed it elsewhere. Timothy Bloodworth, a blacksmith, led the party in the southern or Wilmington district. David Calwell, a pure and patriotic Presbyterian divine, had a large influence in the central coun-

(1) Davie to Iredell, McKee, II., 217.
 (2) McClaine to Iredell, Dec. 25, 1787, McKee. II., 183.

ties, and that of Judge Samuel Spencer and Major Joseph McDonnell, of King's Mountain fame, was the most prominent in the West.

(1)

The party cue was given by Jones at Halifax. The federal judiciary, he said, would play havoc with the authority of the state's courts; the poor were to be ruined by many collections and federal taxation; there was no provision for freedom of conscience. All of these, and others of like tenor, were potent arguments to the average North Carolinian against surrendering his dearly bought liberties to an untried form of government. The state judiciary, from the first, was practically unanimous in opposition to

(2)

the Constitution. Party lines were closely drawn. On account of his compliant attitude at Philadelphia Alexander Martin was now rejected by his former constituents. The western country generally was decidedly opposed to the Constitution; the Cape Fear or western region was generally favorable; and the eastern country, where all the federal leaders resided, was closely contested. In Dobbs, an eastern county, the federalists, finding that they were in danger of losing the election, raised a riot, put out the can-

(1) McRee, II., 217. Davie to Iredell, outlining Jones' position. Davie was neighbor to Jones at Halifax.

(2) McRee, II., 183, MacLaine to Iredell.

dles, destroyed the books and knocked to pieces the ballot-boxes. (1) Generally, however, the elections took place without fraud or violence and were for the most part favorable to the anti-federalists.

Absolute and final rejection of the federal Constitution seemed to be the first plan of the North Carolina anti-federal leaders. Before the Hillsboro convention met, however, the states, among them Virginia, had ratified.

(2)
Jones, therefore, announced his purpose to procure rejection in order to give weight to the amendments which the states were preparing. The federalists redoubled their efforts. They believed now that the convention would have an issue favorable to the Constitution despite the anti-

(3)
federal election successes. Their faith was grounded on the assumption that the weight of the decision of the ten states, which had already secured the new form of government, would be a moral force sufficiently strong to induce compliance by North Carolina. Iredell issued a strongly

(4)
written pamphlet in which he answered the objections to the Constitution made by Mason of Virginia. A second pamphlet

(1) McRee, II., 221. Witherspoon to Iredell.

(2) Ibid., II., 230. Davie to Iredell, July 9, 1788.

(3) McRee, II., 341. Hooper to Iredell.

(4) This pamphlet was published under the pseudonym of "Marcus". It is republished in McRee, II., 186-215.

let, the joint product of the pens of Iredell and Davie appeared a little later. In this the authors strove to meet the popular objections to a federal judiciary, and the absence in the Constitution of a guarantee that the States retained all the powers not delegated by them to the federal government.

The convention, consisting of two hundred and eighty-four members, met at Hillsboro, July 21, 1788. The prominent federalists present were Governor Johnston, James Iredell, William R. Davie, R. D. Spaight, and Alexander McLaine. Counterbalancing these on the anti-federal side

(1)

were Willie Jones, Timothy Bloodworth, David Calwell,

(1) McRee, in his *Life and Correspondence of James Iredell*, II., 232, makes the following characterization of Jones, which, to the writer, seems peculiarly fitting. "Willie Jones, of Halifax, was the most influential politician in the State: ultra-democratic in theory, he was aristocratic in details, tastes, pursuits, and prejudices: he lived sumptuously, and wore fine linen; he raced, hunted, and played cards; he was proud of his wealth and social position, and fastidious in the selection of associates for his family. A patriot in the Revolution, he was now (1788) the acknowledged head of a great party. He was jealous of his authority and prompt to meet any attempt to undermine his power. His knowledge of human nature was consummate; and in the arts of insinuation he was unrivalled. . . . Though generally relentless and uncompromising as a partisan, he had a generous heart and on more than one occasion, gave signal proof that he could soar above the murky atmosphere of party. He was a loving and cherished disciple of Jefferson, and was often taunted with his subserviency to Virginia 'abstractions'. He seldom shared in the discussions (on the floor of the convention). His time of action was chiefly during the hours of adjournment: Then it was that he stimulated the passions, aroused the suspicions, or underrated the valor of his followers: then it was that,

Judge Samuel Spencer, and Joseph McDowell. Out of deference to his office the anti-federalists made no objection to the choice of Governor Johnston as president, his election being by unanimous vote. The federalists, conscious that they were greatly in the minority, nevertheless were not without hope that during the debates to follow a sufficient number of anti-federalists would be brought over to ratification by argument and by the late course of events in the other states.

Despite the size of his majority, Jones made a tactical error immediately after the convention had been organized. Alleging that every member's mind was made up he moved, in the interest of frugality and economy of the public funds, that the question upon the Constitution be put at once. He receded from this position, however, immediately it became evident that a majority desired to hear the Constitution discussed. His power reasserted itself in influencing his followers against entering into the debate. The floor of the convention was left to the advocates of the Constitution. The anti-federalists apparently constituting themselves into a jury before which that instrument was on trial. Again and again the federalists challenged them ----- smoking his pipe, and chatting of crops, ploughs, stock, and dogs, he stole his way into the hearts of honest farmers and erected there thrones for himself."

to debate the portions of the Constitution which, outside
 (1)
 the convention, had been declared objectionable. Perse-
 verance in this course finally drew the anti-federalists
 into debate and developed their positions.

Their first objection was made to the caption "We,
 the people", with which the Constitution begins. Joseph
 Taylor, a decided state rights member, said: "We, the peo-
ple, is surely an assumed power. ***** "Had it said, We the
States, there would have been a federal intention in it.
 But, sir, it is clear that a consolidation is intended.
 Will any gentleman say that a consolidated government will
 answer this country? It is too large. *** We see plainly
 that men who come from New England are different from us.
 They are ignorant of our situation; they do not know the
 state of our country. They cannot with safety legislate
 (2)
 for us". Judge Spencer said: The States (under the pro-
 posed constitution) do not act in their political capaci-
 ties, but the government is prepared for individuals. ***
 (3)
 There ought, therefore, to be a bill of rights". The fed-
 eralists' reply to this argument was that all powers not

given up in the Constitution by the States to our general

(1) Elliot's Debates, IV., 103, 107.

(2) " " " 24. Ibid. IV., 152.

(3) Ibid. IV., 148.

government were retained by the respective states.

Indeed in the question of the absence of a bill of rights the federalists assumed and held, throughout the period of the convention, a theory of the Constitution which, in after years, was the basis of the states rights doctrine and the theory upon which the South acted in 1861. (1)

On the floor of the convention, Iredell said: "Of what use, therefore, can a bill of rights be in this constitution, where the people expressly declare how much power they do give, and consequently retain all they do not? It (the Constitution) is a delegation of particular powers by the people to their representatives for particular purposes. It may be considered as a great power of attorney, under which no power can be exercised but what is expressly given." Davie and Spaight, speaking more authoritatively because of their participation in the formation of the constitution and hence, presumably, had better knowledge of its spirit, supported and reinforced this interpretation of Iredell. Nor do the exigencies of the political situation, though pressing, sufficiently account for this interpretation so general among the federalists. Unquestionably the supporters of the Constitution in North Carolina held that instrument as a compact between the States and the federal

(1) Elliot's Debates, IV., 148.

government, their agent.

Second to the fear of consolidation and the absence of a bill of rights, the point of greatest objection raised by the anti-federalists was the operation of a federal judiciary within the circuits of the state. Judge Spencer (1) was ready to concede that, in case federation was necessary, the federal judiciary should have appellate jurisdiction in certain cases that should be specifically enumerated, and original jurisdiction in all maritime cases, but he thought that within the limits of a state, the state's court should carry into execution the laws of Congress. It was also conceded by the anti-federalists that a supreme federal court might justly have cognizance of controversies between two or more states and between citizens of the same state claiming lands under grants of different states. Further power over the individual they were unwilling to yield. Inasmuch as the Constitution had left it to Congress to give definite form to the federal judicial system, the people undoubtedly feared to subject themselves to a power outside their own borders whose expression might touch the daily lives of individuals in an intricate and possibly oppressive manner. The absence of a guarantee of trial by jury increased the general distrust.

(1) Elliot's Debates, IV., 155.

The convention remained in session eleven days.

Toward its close every important feature of the Constitution had been discussed without any appreciable change of sentiment in either party. The anti-federalists showed no disposition to yield the point of ratification. The latent danger in the position of isolation which North Carolina would occupy sandwiched between the northern and southern sections of the Union was recognized; but they believed that a good purpose could be served by non-ratification in that it would give weight to the general demand for amendments. Accordingly Jones re-announced non-adoption as the (1) unchanged policy of his party. The state ran no risk, he said, of being excluded from the Union when she wished to come in; Virginia would not oppose, and South Carolina and Georgia were deeply interested in North Carolina's accession; that indeed twelve men, struggling under a heavy load would not be likely to reject the assistance of a thirteenth. He quoted the well-known letter of Jefferson to Madison in which the hope was expressed that nine states would ratify in order to secure the union, but that the remaining four would stand aloof until amendment was effected. Jones' reasoning was conclusive with his party. Taking the direction of the convention into his own hands he -----

(1) Elliott's Debates, IV., 226.

now manuevered to bring about a vote which, though serving the same purpose, would not be a direct rejection. The result (1) (1) was a resolution which asserted the necessity for a bill of rights and suggested that a second federal convention be called. To the resolution was appended a declaration of rights similar to that in the State Constitution (2) and a list of twenty-six amendments. The first amendment guaranteed the reserved rights of the states. The remainder for the most part were restrictions upon the federal government and an enlargement of the powers of Congress relative to the other two branches.

The anti-federalists carried the resolution and appendages by a final vote of 184 to 84. A motion by a federalist to substitute a ratifying resolution was defeated by the same majority of one hundred. That the state might be in line to accede to the Constitution when it wished and, in the meantime, not being upon itself the results of possible hostile trade regulations by Congress, the convention passed a second resolution offered by Jones which recommended to the State legislature that, whenever Congress should pass a law for collecting an impost in the states which had ratified, a similar impost should be laid on

(1) Elliott's Debates IV., 242.

(2) Ibid., IV., 244.

goods imported into North Carolina and the money arising
 (1)
 therefrom be appropriated to the use of Congress. The
 convention adjourned sine die August 4.

Immediately after adjournment of the North Carolina convention the news came that New York, the eleventh state, had ratified. Rhode Island and North Carolina only were without the federal pale. The federalists renewed their activity and public opinion now began to veer around rapidly. Friends of the Constitution in almost every town and county joined in petitions to the General Assembly asking the call of a second State convention. The state was on the eve of the annual August elections for assemblymen. The petitions were to be ready for presentation when the Assembly should meet in November. Upon a suggestion from Governor Johnston the petitioners preserved in the large number of petitions
 (2)
 prepared a fair degree of uniformity. They stressed mainly the benefits to be derived from a firm union with the other states and the desirability of the state's being in the Union when the anticipated amendments should be formed so that her influence might be felt as to their content.

The federalists made large gains throughout the

(1) These petitions are found in manuscript in the N.C. Archives, Office of Sec.y of State, Raleigh.

state in the election of assemblymen. A most rapid change of sentiment had especially manifested itself in the western counties. This western region generally, on both sides of the mountains had sent up anti-federal delegates to the Hillsboro convention in July, but in August elected federalists to the Assembly. The trans-mountain men, the inhabitants of the abortive state of Franklin, were returning to their allegiance to North Carolina, and sent federalists to the Assembly in the hope that, should the Constitution be ratified, the trans-mountain country would be at once ceded to the federal government and their aspirations to statehood satisfied. Governor Johnston encouraged this hope enough to secure their support of the convention measure. Moreover, the sudden threat of a general Indian war had alarmed the whole western country on both sides of the mountains in the fall of 1788 and caused a very widespread appreciation of the benefits to be derived from membership in the Union and its consequent protection.

Though the swing of the political pendulum was now toward federalism, Jones exerted all his powers to stay its

(1) Ramsey, J.G.M. Annals of Tennessee, 333-540. The inhabitants of the territory of North Carolina west of the Great Smoky mountains in 1784 erected a revolutionary state which they called Franklin and maintained it against the authority of North Carolina until 1788. The questions involved were similar to those in the Regulators' war of 1769-71. In fact in many of its phases, it was a repetition of this struggle, with the scene shifted across the moun-

momentum. He declared that North Carolina should remain out of the Union for at least five or six years; that that length of time should elapse before the federal judiciary was "let in upon" the people. Centralization and the loss of dearly bought liberties were his themes. Though he strengthened the party somewhat in his own district, Jones could not counterbalance the general gains of the federalists.

When the Assembly met in November its membership was found to be almost entirely divided between the parties. This represented a marvelous decrease in the strength of the anti-federalists as compared with their majority in the convention in July. The petitions for a new convention now
(1)
came in in large numbers. It was evident that public opinion demanded that the Constitution should be considered anew. A convention bill was prepared and passed; but the anti-federalists were strong enough to fix the time of meeting far beyond that planned by the federalists. The date fixed upon was November 16, 1789, six months after the first Congress would convene under authority of the Constitution. With this the federalists had, perforce, to

tains.

(2)McRee II., 244. Johnston to Iredell.

(1) Journals. N.C. Records, XXI., 5, 8, 20, 1788-1789.

content themselves.

Though the feeling of sisterhood engendered between the states during the Revolution prevented North Carolina and Rhode Island from being received as actual foreign territories when the government of the new Union went into operation in April, 1789, it never occurred to anyone to look upon them as other than independent sovereignties. Since the resolution of the Philadelphia convention made the constitution binding only on those states that would ratify it, in no quarter of the Union did the view obtain that the states still without were other than political entities, subject only to the collective will of the people respectively of the states in question. When impost and tonnage bills were introduced early in the first session of the first Congress there were some proposals to so regulate them that North Carolina would be treated as a foreign

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state. The object of course was to bring economic pressure to bear sufficiently heavy to insure her to enter the Union. Hugh Williamson, acting as agent of North Carolina to Congress, felt it incumbent upon him to memorialize that

(2)

body on the subject. He urged forbearance for, he said,

(1) McRee, II., Senator Pierce Butler of South Carolina to James Iredell, August 11, 1789.

(2) Williamson to Congress, MS., State Archives.

only a little time was needed to bring his State into the sisterhood. The proposed hostile clauses, however, had not been seriously entertained. The attitude of the states in the Union toward those without was one of courteous invitation. Some of them felt perhaps as did the fox in the fable, having lost their own tails they wished North Carolina to do likewise. Already a "Southern interest", as opposed to Northern interests, was recognized by Southern public men and those devoutly wished for the accession of North Carolina as a means of preserving a balance of power. (1)

The second North Carolina convention called to consider the federal Constitution met November 16, 1789, and five days later passed an ordinance of ratification by a majority of 118 votes. The journal of the six days' session contains the bare outline of the proceedings. Hence it is impossible to determine the spirit of the debates, unless exact correspondence of federalists be accepted. Governor Johnston wrote that the opposition was "still violent and virulent"; and Davie upon the first day was doubtful that ratification could be effected. (2) (3)

(1) Cf. Pierce Butler to James Iredell, McRee, II., 263.

(2) Journal of the Fayetteville Convention, 1789, p in N.C. State Records, XXII., 36-53.

(3) McRee, II., 271. Davie to Iredell.

But Davie had signally failed to correctly estimate the rapidity with which sentiment for union had developed since the adjournment of the Hillsboro convention, now more than a year past. Moreover, the position the federalist leaders themselves had taken in defense of the Constitution had labelled them as thorough State rights men provided they had the state once inside the Union. Their speeches in the Hillsboro convention, the propaganda they had industriously circulated after this convention, and their general attitude toward union conclusively show that they regarded the Constitution as a federal compact and the general government the agent of the states creating it. With this ideal held before the anti-federalists enough of them bowed their heads to enable the state to give sanction to the Constitution.

Whatever form of government the logic of subsequent events may have shown that the Constitution created, yet no one could become familiar with the spirit prevalent in both parties in North Carolina in 1789 without feeling that the adoption of the Constitution was based on a belief that it created a governmental compact with powers increased over those of the old Articles of Confederation only for the purpose of efficient practical administration. Although North Carolina entered the Union only after hesitancy and

mature deliberation, yet her subsequent history proved her loyalty to it as long as the Constitution represented her interpretation of its provisions.

CHAPTER II.

No abrupt change occurred in the course of her internal affairs when North Carolina entered the federal Union. Local feeling and thought adjust themselves slowly to political changes in external relations unless the changed relations be so radical as to touch intimately the daily life of the individual. In North Carolina a majority trusted that the new form of government would prove its right to exist, but few believed in its perfection. To the country at large the government was as yet a political experiment; nor did the constitution command universal respect. The anti-federalists soon formed themselves into the Republican party and assumed the roll of critic.

Ratification had been effected in North Carolina during a surface reaction from the tendency toward state individualism represented by Willie Jones. Once inside the Union, however, the advantages arising therefrom began to manifest themselves and prevent a decided second reaction. Adjustment to the new order of things, however, was not without jars and friction between federal and state authority. Two incidents occurred in 1790 which, though small within themselves, nevertheless served to show how lightly the

federal authority was held during the first years of Union. Congress had passed an act in June, 1789, prescribing an oath of office in support of the constitution for such state officials as governors, members of the legislature, and others. When the excitement arose in the last months of 1790 over Hamilton's scheme for federal assumption of state debts, the the popular branch of the North Carolina General Assembly, much opposed to assumption, refused by a vote of 55 to 26 to take the oath to support the federal constitution.¹ The second incident concerned the adjustment of the federal judiciary. A writ of certiorari was issued from the federal district court of North Carolina by the direction of three of the United States Supreme Court judges (Blair, Rutledge, and Wilson), directed to the Court of Equity in North Carolina, for bringing up an equity case.² The state judges refused obedience to the writ and denied the Supreme Court's authority in the case. The General Assembly at once passed a vote of thanks³ to the judges for their action. The case was never acted on afterward and with the early reform of the judiciary was thrown out.

1. Journal of the House. N. C. State Records XXI, 1021.
2. Dallas, U. S. Supreme Court Reports II, 412.
3. N. C. State Records XXI, 1054.

The Assembly passed strong resolutions¹ against the assumption and funding measures of Hamilton ; and preemtorily instructed the state's senators, Samuel Johnston and Benjamin Hawkins, to oppose any excise or direct tax by the federal government². The North Carolina members of the House of Representatives, though not yet all arrived, were opposed to the whole scheme. In the debates upon the question Hugh Williamson alleged that "assumption" would be interference with the reserved rights of the states and contradictory to the interpretation North Carolina had put upon the constitution in her act of ratification. He cited an amendment which had unanimously passed her ratification convention and had been proposed to Congress with the expectation of favorable action. The amendment in question declared that congress should not directly or indirectly, either by themselves or through the judiciary, interfere with any state in its plans for liquidating and discharging its public debt. Williamson showed³ that North Carolina was ready to account according to the spirit of the original contract ; a contract that had not been altered by the formation of a new government. His plan was: that a settlement should first be made between the federal government and the individual states and the federal gov-

1. N. C. State Records XXI, 1055.

2. Ibid XXI, 1029, 1049.

3. Gales and Seaton. Hist. of Congress, I, 1490, speech of Hugh Williamson on Assumption.

ernment then be allowed to assume the remainder still due from the country.

The attitude of North Carolina materially delayed the assumption program. Smith of South Carolina, Sedgwick of Massachusetts, and Jackson of Georgia replied at length to Williamson's speech. Jackson's position was one of conciliation. He said: "A bare majority, if the measure be carried, is all that can be expected, and I will ask if this bare majority would satisfy North Carolina? Suppose it carried by this majority, and the people of North Carolina will not submit, is it intended to reduce them to obedience by force? Is this a language for freemen? Reconcile them to the measure; bring forward your funds; show them they are not to be oppressed, and you will accomplish this business much sooner."¹ In the meantime the remainder of the North Carolina's delegation arrived at New York. Their accession made the non-assumption party the strongest, and thereupon, the debates upon the subject ended for the time. The proposition was not again brought forward until the opportunity occurred later to pair it with the controversy between the Northern and Southern States over the seat for the federal capitol. The outcome was the well-known compromise by which the states' debts were assumed and the site for the capitol located on the banks of the Potomac.

1. Gales and Seaton, Hist. of Cong. II, 1505.

The federal excise laws of 1791, from which the assumptionists purposed to derive the funds to carry out their measures, occasioned great ferment in all the mountainous region of the United States. The greatest storm centre was Western Pennsylvania, the trouble there culminating in 1794 in the "Whiskey Insurrection". In Western North Carolina, if resistance to the excise laws was less organized, it was not the less effective. Distillers refused to pay the tax. Federal collectors were powerless and discretely remained out of the excited localities. The spirit of resistance spread also to the eastern counties and the popular ferment did not abate until the excise laws amended¹.

A general discontent with the measures which congress had deemed necessary for adjustment of the new regime accelerated in North Carolina the reaction to federalism. The first political victim of the reaction was Samuel Johnston, who, regarded as the most uncompromising federalist in the state, failed to secure his re-election to the United States Senate when his term expired in March 1792. Alexander Martin was chosen as his successor. Martin ranked as a radical until his return from the Philadelphia convention in 1787, after which

1. McRee II, 330, 335 cf. Davie to Iredell, August 2, 1791, and Johnston to Iredell, April 15, 1791.

he continuously advocated the adoption of the constitution and in 1789 was elected governor by the federalists in recognition of his services. In 1792 he was again in the confidence of the anti-federalists and owed to them his election to the senate. In the congressional elections of 1793 the anti-federalists were successful in every district save one--the scotch district in the Cape Lear region¹. With Johnston retired to private life the remaining federalist leaders quietly supported practically the same state rights principles as the anti-federalists. James Iredell, whom Washington had appointed to the Supreme Court bench, set them the example in his dissenting opinion in the case of Chisholm vs. Georgia².

This case, before the Supreme Court of the United States in 1792 and 1793, raised the question whether a state could be sued by a citizen of another state and, bearing directly upon the question of state sovereignty, thus attracted general attention. The opinion of the Court affirmed the right of suit by a citizen and that the state was amenable to the jurisdiction of the Supreme Court, thus deciding against Georgia and in favor of Chisholm, a citizen of South Carolina.

1. Under the new apportionment on the basis of the census of 1790 North Carolina now had ten Representatives.
2. For the report of this important case see Dallas' U. S. Supreme Court Reports, 11, 419 - 480.

Justice Iredell, however, wrote a dissenting opinion which contained the first expression of state rights doctrine emanating from the Supreme Court. Iredell argued that the states were successors to the sovereignty wrenched from the English crown, and upon this he built up the theory of delegated or divided sovereignty, holding that every state in the Union, in every instance where its sovereignty had not been delegated to the United States was as completely sovereign as were the United States in respect to the powers delegated by the federal compact. A state, remaining sovereign, could not, therefore, be sued by individuals. Georgia acted upon the theory laid down by Iredell and stood at defiance. The judgment remained unenforced until the eleventh amendment to the United States Constitution, ratified in 1798, removed such questions from the cognizance of the Court.

The Republican party throughout the country received Iredell's opinion as an exposition of its own theory of a definite line of demarcation between the rights reserved by the states and those delegated to the federal government. The opinion is the more interesting in this connection because of Iredell's influence upon the adoption of the constitution by North Carolina. His interpretation of its provisions in 1793 was in the same state rights spirit with he had defended it in 1788 - 1789.

The Alien and Sedition Acts passed by Congress in June and July 1798, gave the Republicans their next opportunity to raise the state rights issue. These acts placed large discretionary power in the hands of the president and had a decided monarchical flavor. The Kentucky Resolutions¹, passed in protest at the instance of Thomas Jefferson, made a great advance on the doctrine contained in Iredell's opinion in the Georgia case. In these Resolutions each state, as a party to the constitutional compact, to which it had acceded as a state, was declared to be its own final judge as to infractions of the constitution by the federal government ; and that, whenever the federal government assumed undelegated powers its acts were unauthoritative, void, and of no force. The Alien and Sedition Acts were declared to be the product of assumed powers and therefore void. Resolutions followed from Virginia² supporting those of Kentucky. Copies of both were sent to all the other states.

The time of their reception in North Carolina was unpropitious for their success in creating sentiment against the government. Wm. R. Davie was governor and, though ranking

1. Elliots Debates IV, 540. Preston's Documents, 295.
2. Elliots Debates IV, 528.

and state rights federalist, was zealous for the safety of the Union. The governor forthwith took the ground that at this particular juncture the Union's existence was in more danger than the rights of the States.¹ He therefore threw all his influence against any legislative corporation with Virginia and Kentucky. The Kentucky Resolutions came before the North Carolina Assembly December 21, 1798, and on the 24th a mild resolution was introduced in the Senate expressing the pain with which the body viewed the enactment of the Alien and Sedition laws. Davie's followers secured its rejection by a close vote.² The lower House on the same day passed a somewhat stronger resolution³ and, disregarding the senate, ordered copies forwarded to senators and representatives. No joint action was ever had. But the attitude of North Carolina toward the "Doctrine of 1798" was not one of hostility. Her

1. Governor Davie's alarm was genuine. In the summer of 1799 having closely interviewed some gentlemen just returned from the races at Petersburg, Virginia, he wrote Judge Iredell that the Virginia leaders seemed determined upon the overthrow of the general government; that if no other method would effect it, they would risk it upon the chances of war. He understood that some of them talked of seceding; while others advocated the policy and practicability of severing the Union into two portions. McRee 11, Davie to Iredell, June 17, 1799.

2. Journal of the N. C. Senate, 1798, 76 - 77.

3. Journal of the N. C. House of Commons, 1798, 76.

non-action was due to the disinclination on the part of the state administration to encourage dissensions at a time of such high party feeling.

When a successor to President Washington was to be chosen in 1796, nine North Carolina districts chose Jefferson electors and one, the Scotch district, an Adams elector. But in 1800, as the storm and stress of federal politics increased, the old federalist forces began to fear for the safety of the Union and the party showed signs of reviving strength¹. The Jay Treaty, the Alien and Sedition Acts, and the "Resolutions of '96", together with personal jealousies of the national leaders, had all combined to lend a bitterness to the presidential contest in 1800 that caused a very general apprehension of the Disruption of the Union².

The result of this apprehension in North Carolina enabled the federalists to carry four electoral districts for Adams, one of them being the Western or Salisbury district. The Republican defeat here marked the beginning of the reversion of the whole western half of the state to its old principle of antagonism to Eastern control³, under whatever party

1. Raleigh Register, Dec. 3, 1799.

2. Cf. Von Holst, Constitutional and Political History of the United States, I, 168.

2. Infra, Chap. III.

name the control might be exercised. Though the federalists had made a good fight for regeneration of their party they were now practically without a state leader of note. Iredell had died in 1799. Samuel Johnston had passed into pettish and grumbling retirement. Wm. R. Davie had accepted President Adams' appointment as one of the three envoys extraordinary¹ to the court of the first Consul. Thus stripped of its old prominent leaders the federalist party in North Carolina fell into complete disorganization upon the election of Jefferson to the presidency in 1800. Thereafter the several districts which remained federalist were animated more by sectional state issues than by differences with the Republicans on National questions.

The Republican party on the other hand now rapidly entrenched itself in places of power. Through representative Nathaniel Macon Jefferson judiciously used the federal patronage in the state appointments, only those of unquestioned loyalty to Republican principles being placed in office². Macon was a worthy disciple of Willie Jones with even more ultra democratic principles than his political preceptor. He had

1. This was Adams' famous second mission to France, composed of Oliver Elsworth, Wm. Vans Murray and Davie. The latter was appointed to fill the place declined by Patrick Henry.
2. Dodd. Life of Nathaniel Macon, 169.

been in Congress since 1791 and by the end of the century had assumed the leadership of the party relinquished by Jones. His position in national politics as Speaker of the House of Representatives from 1801 to 1806 did not lessen his interest in party affairs in the state.

The first two decades of the new century North Carolina, Republican throughout in each branch of her government, uniformly supported the successive national administrations of the Republican party. The problem before the general government during the first fifteen years was to prevent the humiliation and commercial ruin of the young republic at the hands of either France or England. The protests of the Northern Federalists, when in 1812 Madison's administration opened war on England; found no answering echo among their former party associates in North Carolina¹. Still more profound was the silence when the New England federalists in 1814 met in the Hartford Convention for the generally understood purpose of forcing a peace with England, or, failing in that, to possibly secede from the Union².

Since the Hartford Convention practically re-asserted only the doctrine laid down in the Kentucky Resolutions of

1. Cf. Message of Gov. Wm. Hawkins to the North Carolina General Assembly, Nov. 15, 1812, Executive Letter Book.
2. The Report of the Hartford Convention is given in 7 Niles

1798¹, the Republican party, with state rights as its cardinal principle, could only attack the policy of the New England states on the ground that their action was a betrayal of the cause of common defense. North Carolina Republicanism, therefore, freely conceded to Massachusetts and her confreres at Hartford the right to speak their sovereign wills. But the concession was coupled with the suggestion that they should speak through their legislatures, and at a time when all were not endangered by a public enemy; in short, that "they should speak like Americans"². The timely ending of the war relieved the situation for the Republican party at large, and the chief result of the Hartford Convention was to draw odium upon the federalist party sufficient to assure its swift dissolution.

From 1815 to 1820 North Carolina, in common with the rest of the Union, enjoyed a period of political calm which came as a welcome relief after the party strife and turmoil preceding and accompanying the war with England. The people seemed satisfied with the type of Republicanism administered successively by Jefferson, Madison and Monroe. The Union, now that it had stood the test of a war, became a fixture in

1. Von Holst, I, 268, holds that the theory in the Kentucky Resolutions was identical with that upon which the Hartford Convention acted.

2. Raleigh Register. Dec. 8, 1814, and Jan. 27, 1815.

the political conceptions of the people. Sentiment, as well as political wisdom and experience, was beginning to form a bulwark for its protection¹.

The period of calm was soon broken, however, by the development of a serious political contest between the North and the South over slavery. Its occasion was the application of Missouri to be admitted into the Union as a slave state.

A North Carolina newspaper of Feb. 26, 1819, gave the first intimation to the people of the state that the question had been opened as a sectional issue. It said : "In the House of Representatives yesterday a decision took place in a committee of the whole, which, if confirmed by the House, may be expected to have an important bearing on the political relations of the several states"². This decision was to require of Missouri, as the condition of her admission, the prohibition of the further introduction of slaves, and emancipation of all slave children after the admission as soon as they reached the age of twenty-five. This was the first instance of such a condition being proposed as the condition of admission for a new state and the South at once saw in it a purpose

1. 17 Niles Register, 31, has a very interesting account at this date of a fervent prayer for the permanence of the Union uttered by a North Carolina Revolutionary veteran upon his death bed.

2. American Recorder. Feb. 26, 1819.

on the part of the free states to circumscribe and thus finally to strangle slavery just when, on account of the increased demand for cotton by Europe since the war of 1812, the institution was beginning to return a very large profit.¹ The Missouri compromise and its discussion, therefore, clearly demonstrated that in slavery arose the gravest domestic question hitherto set for the solution of the American people. Strict construction and state rights, less emphasized in the South since the Republican ascendancy in 1800, now assumed their old time prominence.

The North Carolina legislature gave no official utterance to the sentiment of the state upon the Missouri question, so that we must rely upon its newspapers and the utterances of public men for local public opinion. Newspapers were just beginning to exercise that powerful influence upon North Carolina politics which reached its climax with the group of strong editor-politicians of the period 1850 - 1860. The Raleigh Register, the official mouthpiece of the Republican party since its establishment in 1799, published both sides of the Missouri debates, beginning with the speech of Otis of Massachusetts and continuing through the series.² Its editorials were in the orthodox vein of decided opposition to any

1. Cf. Von Holst. I, 423.

2. Raleigh Register, March 3, 1820, et seq.

restriction upon Missouri. The Minerva, claiming no party name but representing what little opposition to the Republicans remained from old Federalist days, assumed an attitude very different to the Register. It said, January 20, 1820 : "We doubt whether it be possible to answer Mr. King's speech of the last session against granting to this new state (Missouri) the privilege of holding our fellowmen in bondage. Yet our Northern brethren will generously remember that it is not always possible for the most honest to be just". A month later the same paper asserted the constitutionality of restriction,¹ and added : "It is equally certain that true policy forbids the extension, as it submits to the toleration of slavery". Proceeding, this editorial predicted, that inasmuch as the evil of slavery was of such magnitude and involved a species of property which was bolstered up by the stubbornness of interest and prejudice, half a century would be required to exterminate it. Two weeks later the Minerva declared an open and definite hostility to the extension of slavery and began to advocate some form of gradual emancipation. Letters and addresses were published weekly on the subject, the academic productions of even college students on the rights of

1. The Minerva, Feb. 11, 1820.

2. Minerva, Feb. 25, 1820.

men, including the slave, finding ready welcome in its columns.¹

Though the Minerva voiced the known sentiment of several detached groups in North Carolina,² and undoubtedly that of even a respectable minority throughout the state, those who had such opinions as to slavery restrictions were totally unorganized and their power, therefore, was correspondingly ineffectual. Yet on the Missouri question the difference in sentiment between the North Carolina members in Congress was scarcely less radical than that between the Register and the Minerva.

Nathaniel Macon, now in the Senate, represented as always the state rights republicanism of the eastern North Carolina slave-holders. He opposed to the end the whole plan of the compromise, on the ground that it would be an admission on the part of the South that Congress could set meets and bounds to slavery. He held that each new territory, when ready for statehood, should come into the Union with such institutions as it chose to adopt, provided such institutions

1. Ibid, March 10, 1820, et seq.

2. These groups were the Quaker Counties--Gailford, Randolph and Blatham ; the Moravian center at Salem ; and the mountain counties where slavery was a subject of indifference.

were not repugnant to the ideas entertained by the states when they created the Union.¹ Macon cast his vote against the final passage of the measure and was followed by six of the state's representatives in the House. Montford Stokes, Macon's colleague in the Senate, voted for the compromise measure in each stage of its progress. In a letter² to Governor Branch explaining his action, Stokes made some general observations on the subject of slavery which evidently expressed the views of many others in the state.³ He had voted for the compromise, he said, in order that the South might secure the portion of the Louisiana Purchase below 36° 30' as an asylum for slaves already too numerous to be comfortably supported in the Southern border states. Further, he had "a charitable and respectful regard for the feelings, and even the prejudices, of that great portion of the Northern people that was averse to slavery in any form, and that would join heartily with us in any constitutional measure to get rid of the evil."

This letter discloses conflicting sentiments. As a practical border-state politician Stokes felt that slavery

1. Annals of Congress. 16th Cong., 1st sess., 1, 219. et seq. for Macon's speech on the Compromise plan.
2. Publ. in Raleigh Register, March 17, 1820.
3. The Western Carolinian, March 25, 1820, and Star, April 1, 1820, endorsed Stokes' views.

might be rendered less an evil by its diffusion over a larger territory. A slave sold by a Virginia or North Carolina tobacco planter to a cotton planter in Alabama or Arkansas meant the transference of labor from a market over-supplied to one under-supplied. Such a transfer of a slave helped, to that extent, to relieve the congestion upon the tobacco plantation. At the same time, his purchase price remained in the hands of the tobacco planter, probably to be necessarily expended in the purchase of food and clothing for the still too numerous and yet ever increasing blacks.¹ It was thus, as the representative of a border slave state, that Stokes spoke for the diffusion of slavery. On the contrary his words relative to some constitutional method by which to rid the country of slavery must be regarded as spoken in a personal sense and partially as expressing the theoretical hostility to slavery of that section of North Carolina from which he came---the mountainous West.²

1. The aggregate population of North Carolina in 1820 was 653,329. Of these 205,017 were slaves and 14,612 were free negroes. The great bulk of the slaves were in the North and Middle East, i.e. in the tier of tobacco counties which bordered Virginia and in the irregular tier of counties which ran southwestward across the state at the upper limits of tide-water.
2. Senator Stokes was a native of Wilkes County.

When the Missouri compromise had passed into history a period of party fermentation began. The Republican party, occupying the whole field without a rival, embraced in its ranks a number of strong and forceful leaders of the younger school of politics whose interests and policies were likely to clash. Among these were Henry Clay, Daniel Webster, John Q. Adams, Wm. H. Crawford, John C. Calhoun and Andrew Jackson. Internal improvements, the United States banks, and the tariff showed signs of becoming leading issues. But Jackson's deadly struggle with the bank had not yet begun. Clay was already identified with the policy of a protection tariff. Calhoun in 1816 had been friendly to a moderate tariff, the tariff measure of that year being acquiesced in by the whole South.¹ But the tariff bill of 1820 found the South practically solid in opposition to further increase of duties.² Calhoun now constituted himself the leader of the Southern anti-tariff forces, and his lasting enmity to Clay's "American System" became an almost dramatic feature of American politics.

As the presidential election of 1824 approached the Union presented an aspect of unusual political confusion, due

1. Annals of Cong. 1st Sess. 1271.

2. Cf. Niles Register, vol. 18, pp. 169, 17. North Carolina cast one vote for the tariff bill of 1820, so also did Maryland, Virginia, and South Carolina. Tennessee, Mississippi, Alabama and Louisiana were unanimous against it.

mainly to the rival claims of the numerous leaders. North Carolina politics was a reflection of that of the Union. The state was Republican to be sure. But what were Republican principles? Who represented the Republican party? Was it Crawford of Georgia, Jackson of Tennessee, or Adams of Massachusetts? Each of these claimed the honor and had raised his standard.

Despite the obscurity of party lines and the lack of definiteness of party principles there were political undercurrents in North Carolina which never lost their way. Crawford was regarded as the successor to the old state rights republicanism of Jefferson and Madison as opposed to the young national republicanism of the Western and Northern leaders. Therefore, the slaveholding section of North Carolina, the wealthy and populous Middle East, true to political instinct, came to Crawford's support.¹ The West, less influenced by slavery, had not developed the strong strict construction principles which, since 1789, had controlled the East. The line of sectional cleavage was now the more distinct also because of the insistent demand of the West for reform of the State Constitution and an equalization of representation.²

1. Macon had designated Crawford as early as 1821 as the "most republican and the most economical" of the prospective candidates. Macon to Bartlett Yancey Dec. 12, 1821, Dodd, 354.

2. Infra chap. III.

State parties, therefore, were already formed and these readily adjusted themselves to the parties taking form under the National leaders. When the East declared for Crawford the West as naturally declared against him. The Western party at first adopted Calhoun as its candidate against the "caucus" or Crawford ticket. But when the coalition between the Jackson and Calhoun forces occurred in March 1824, with the first place assigned to Jackson, the combination, known as the People's Ticket, lost nothing of its popular favor.¹

When the General Assembly met in November, 1823, the members arranged themselves into Eastern and Western parties. A Western member soon introduced a resolution² to instruct the state's senators and representatives in Congress to refrain from entering into a congressional nominating caucus. The resolution was purely a party move and was aimed at the old Republican party practice of naming its presidential candidate by the caucus method. Hence the Crawford forces at once attacked the resolution and a heated debate³ of three days duration ensued which finally resulted in a defeat of the

1. Cf. Star. March 5, and March 12, 1824.

2. M. C. House of Commons Journal, 1823, 155.

3. The Debates on the Fisher, or Anti-Caucus Resolutions, are published in weekly issues of Raleigh Register from March 1 to May 5, 1824.

instructing measure by a close vote. The Eastern members then proceeded to hold a caucus on December 24, and recommended Crawford to the people. A few months later the Washington caucus¹ formally announced Crawford's candidacy and the Harrisburg Convention that of Jackson. Clay had been put forward by the legislature of Kentucky and Adams by Massachusetts.

In the meantime the three Quaker Counties, Guilford, Randolph, and Chatham, making up a district in the center of the state, held a meeting at Greensboro, endorsed Adams' candidacy, and passed resolutions² condemning "the attempts which have been made to express the voice of the people". Jackson was named by the Quakers as their second choice. Only two sets of electors, however, were placed before the people of the state and these were pledged respectively to Crawford and Jackson.

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1. Nathaniel Macon, though a supporter of Crawford, refused to attend the Congressional Caucus on the ground that he opposed all oligarchical methods. See Doad, 337.
 2. This was in recognition of Adams' defense of the right of petition. The North Carolina Quakers had always opposed slavery and had utilized the right of peaceful petition to Congress in order to register their protests against it. They had now for a number of years practiced nonmission and when this practice came into conflict with positive state laws they adopted the method of colonization in Hayti. See Annals of Congress, 5th Cong., 1st sess., 475, for first Quaker petition from North Carolina in regard to slavery. Also see 27 Niles Register, 226, 280 and 29 Niles Register 247 and 447 for instances of large shipment of slaves to Hayti by N. C. Quakers.

The People's ticket versus the Jackson ticket enlisted the interest of everyone who could be aroused to evince a party spirit. Party principles were ill defined and entirely secondary. The question of the method of naming the candidates was given the chief attention in North Carolina. Both sides made their appeals to "the people", to "the honest yeomanry", and to "every honest Republican". The result, however, was not difficult to predict. The West had attained a unanimity for Jackson equal to its solidarity on the state issue of constitutional reform. Jackson's personality was also awakening enthusiasm in the East among the classes which were less committed by interest and affinity to old state rights Republicanism.¹ Moreover, Crawford's ill health² decreased his chances of success in the state.

The majority for the People's ticket in November was 4794 votes.³ Of the sixty-three counties composing the state, forty-two gave Jackson majorities. This number was exclusive of the three Quaker counties which had finally given their

1. Star. Feb. 6, 1824.

2. Crawford had been stricken with partial paralysis soon after his nomination and his recovery seemed somewhat doubtful as the campaign progressed.

3. Executive M. S. Letter Book, 1824, 120.

vote to Crawford as the weaker candidate in the hope¹ of casting the election into the House of Representatives. The remainder of the twenty-one Crawford counties were middle eastern and covered the general area in which slave population was greatest.

On the first day of December the electors met in the State capitol and gave a unanimous vote for Jackson and Calhoun, one gun being fired for each elector and one extra for Henderson, a western county which had given a unanimous vote for the People's Ticket. Two months later the will of the state was subverted by the action of its representatives in Congress. When the election was thrown into the House for a choice from the trio, Jackson, Adams, and Crawford, the thirteen Representatives from North Carolina voted according to party. Ten of the number ranked as all Republicans and in consequence gave their votes to Crawford. Two voted for Jackson ; and one, the member from the Quaker district, gave his vote to Adams.²

From the standpoint of logical development the course of North Carolina politics during the succeeding four

1. Star, Dec. 3, 1824.

2. Thus, since Adams was elected, the Quaker vote was the only effectual one given by the state.

years was anomalous. The state rights or Eastern party executed a political somersault before 1828 and in that year supported Jackson with the same energy with which it had opposed him in 1824. The reason is not far to seek. Jackson was now the only opponent of Adams, and, as a Southerner, was naturally regarded as a safer guardian of Southern interests. The Eastern party, by a sort of political divination, estimated him as at heart a state rights man, and this estimate ever afterward remained unchanged even though succeeding events apparently contradicted it. The West, where Jackson's popularity in the state had originated, did not at once relinquish its candidate to the East but cast its vote for him in 1828. Yet a restlessness of such harmony rapidly developed in that section after the election and the soil became fertile for the growth of Whig principles.¹

In the meantime an issue had arisen in national politics which was to illustrate as graphically as had the Missouri controversy and the vote on the tariff bill of 1820 the diverging interests of the North and the South. A high tariff bill was proposed in Congress in 1827 and failed to become

1. Cf. *Western Carolinian* issues from Dec. 15, 1828 et seq.

law only by the casting vote of Calhoun as president of the Senate. In February of the following year the tariff measure since known as "the tariff of abominations" was enacted into law.¹ Though the opposition to this tariff measure, on the ground of unequal benefits to the sections, became general throughout the South, the direction given this opposition by South Carolina caused her sister southern states to halt in their support. Her remedy of nullification, deduced from the Virginia and Kentucky Resolutions of 1798, was to be practically applied by a sovereign state in the abrogation of federal laws within her borders.

The tariff and nullification controversy, intimately bound up with a personal difference between President Jackson and Vice-President Calhoun, the great exponent of the nullification doctrine, extended over a period of five years. During this period North Carolina pursued the course she felt best fitted to secure a repeal of the obnoxious tariff and at the same time to preserve her original attitude toward state rights without endorsing the radical activity of South Carolina. Just after the tariff bill of 1827 so nearly became a

1. Act, May 19, 1828.

law Governor James Iredell,¹ anticipating that the protection-ists would again bring forward the measure at the next session of Congress, recommended to the North Carolina Assembly to put on record some form of protest. Accordingly a resolution was passed which declared that any increase of import duties by Congress was inexpedient and unwise.² That this simple resolution might the more effectively give the ear of Congress its preamble, while admitting that Congress had constitutional power to lay such duties, declared nevertheless that "interest, either pecuniary or political, is the great point of Union, from the smallest association up to the Confederacy of American States ; that whenever a system is adopted by the general government which does not equally conserve the interests of all the states then the right rests with any state or states to question whether the benefits of the Union are not more than counterbalanced by its evils". This guarded expression of state rights sentiment was a blow in the water, the objectionable tariff being passed a month later.

1. Message Nov. 29, 1827. Executive Letter Book, U. S. Gov. Iredell was the son of Judge James Iredell of the U. S. Supreme.
2. Journal of the N. C. Gen. Assy, 1827 - 28, p. 101.

With Adams' defeat by Jackson, November 1828, the belief became current in North Carolina that the tariff would be repealed as soon as the new administration took its definite course.¹ Events drifted, however, The Hayne-Webster debate occurred in January, 1830, and intensified interest in the strained situation. Though not yet ripe for action, the course South Carolina would pursue was a foregone conclusion. The question before the Union, therefore, was how far that state would be supported by the other Southern States.

For North Carolina this question was answered directly by the people on Independence Day. Fourth of July celebrations were held in nearly every county in the state and were made the occasion of a plebiscite on the South Carolina doctrine. The time-honored custom of speaking to toasts was in vogue at political meetings and in this practice North Carolinians, inspired by the native vintage of corn, were not backward. At Ashboro the following theme inspired the orator of the day and evoked the applause of the people : "The Union of the States - united we stand, divided we fall! He who wantonly engenders a feeling of hostility between the States

1. This view was expressed in the newspapers and in Gov. Owen's Message to Assembly. Nov. 19, 1829. Ms Letter Book.

instead of sustaining it to know he is a traitor to his country. Let no such man be trusted". At Hillsboro : "State Rights and Federal Powers - If the line of demarcation between them, as drawn by the framers of the constitution, should be preserved unobscured by the refinements of construction, our Union will stand throughout Time, as the proud monument of the capacity of a free people to govern themselves". At Fayetteville : "Our Sister State--South Carolina. We esteem her worth, but deprecate her example. We therefore hold her in Union a friend -- in disunion an enemy to our political institutions". Speaker vied with speaker everywhere in expression of dissent from South Carolina's doctrine, though at the same time care was taken to soundly rap the tariff. Calhoun's reasoning might be without a flaw but as yet the blessings of the Union were dearer to the people than statemen's logic.

When the annual Assembly met in November it was expected to register officially the will of the people upon the subject. Anti-Nullification Resolutions were accordingly introduced by Jonathan Worth, a Quaker member from Randolph

1. The newspapers throughout the state printed accounts of the many celebrations and their most popular toasts. These three have been carefully chosen as typical and as expressive of the general sentiment. They are found in Raleigh Register, July 12, 1850. See Carolina Watchman of same date.

County, and after a heated debate and slight amendment, passed the lower branch by a vote of 87 to 27 in the following form:¹

Resolved by the General Assembly of North Carolina; That although the Tariff Laws as they now exist, are, in the opinion of this Legislature, unwise, unequal in their operation, and oppressive to the Southern States, yet this Legislature does not recognize as constitutional the right of an individual state of this Union to nullify a law of the United States. "

The twenty-seven members who opposed this resolution were extreme state rights men and were actuated by a fear that the repudiation of nullification might mean the first successful assault upon particularism. They therefore preferred to make no concession, even as to the questionable doctrine of nullification, unless the crisis became acute. The Senate agreed with the Commons minority and refused to commit itself. The larger free-hold qualifications required for membership in the Senate made this branch of the legislature less responsive than the House of Commons to popular sentiment and more representative of the old Republicanism of the East. It formed resolutions which emphasized the reserved rights of the states

1. House Journal, Dec. 31, 1830, p. 257.

and condemned the tariff as a usurpation of power by the federal government,¹ but it was not prepared to antagonize the popular branch and public sentiment further than to remain silent.

The famous Nullification Ordinance of South Carolina, the result of a State Convention in 1832, brought the nullification controversy to a crisis. The North Carolina legislature was in session when the ordinance was received. The Senate could no longer stay the tide of dissent. Some attempt was made to link the tariff with internal improvements and make the two together a cause for requesting all the States to meet in a federal convention for the purpose of giving an authoritative interpretation of all constitutional questions in dispute. But this plan failed and the two Houses thereupon came to an agreement and passed anti-nullification resolutions.² These resolutions contained both the declaration that the tariff was unconstitutional and that nullification was revolutionary and subversive of the constitution. They were thus a compromise between the conservatism of the Senate and the

1. The Senate was inclined to the "Sawyer Resolutions". They were of a strong state rights tone. See N.C. House Journal, 1832, 175.

2. Senate Journal, 1832 - 33, p. 99; N. C. House Journal 1832 - 33, pp. 224, 225.

liberal tendencies of the Commons. The declaration that the tariff was unconstitutional satisfied the Senate and the East; the condemnation of nullification contented the popular branch and the West.

Numerous mass-meetings in the counties attested the harmony of the people with the action of the legislature.¹ The western counties greeted the South Carolina Ordinance with a storm of dissent and the popular voice of the East, though slightly confused as to the relation of nullification to state rights, was scarcely less condemnative in tone. The venerable Nathaniel Macon, now in voluntary retirement, drew the line of demarcation between the two doctrines and finally settled the doubts of his party-friends. In a letter to a friend he said: "I have never believed a state could nullify and stay in the Union, but have always believed that a state might secede when she pleased, provided she would pay her proportion of the public debt ; and this right I have considered the best safeguard to public liberty and to public justice that could be desired".² This was the essence of North Carolina particular-----

1. For reports of these meetings see Raleigh Register, Nov. 30, Dec. 7, Dec. 14, and Dec. 21, 1832. Also current issues of Carolina Watchman and Raleigh Star.

2. Macon to Samuel P. Carson, Feb. 9, 1835. Doda, 385.

ism and when thus set forth by Macon it set at rest the fears of a group of eastern politicians who, led by Samuel F. Sawyer in the Assembly, had opposed the renunciation of the right of a state to nullify lest in so doing some portion of the original state-rights doctrine would be endangered.¹

It was with a feeling of relief that North Carolina received the assurance sent forth to the states by Governor Hague that South Carolina would hold her ordinance in abeyance until the results of Clay's Compromise tariff measure of 1833 were known. This tariff reduction measure was passed by Congress but was accompanied by a bill for collecting the revenue under military supervision, if needful,. This latter bill, known as the "force bill", served in part to placate the domineering spirit of President Jackson and to save the face of Congress.² But reduction of the tariff had brought relief to the strained situation. The nullification excitement was now practically passed. In North Carolina people suddenly ceased to talk or write about it. Its last echo was the introduction of a bill the following year to instruct the State's Senators and Representatives to use their endeavor for the repeal of

1. Journal N. C. House of Commons, Jan. 24, 1832, 2nd. Sawyer Resolutions.

2. Cf. Schoder, Hist. of United States, IV, 106.

the "force bill", which was deemed "inconsistent with the sovereignty of the States and, therefore, dangerous to the liberties of the people."¹

The repudiation of the doctrine of nullification by North Carolina can in no sense be interpreted as a renunciation of state-rights as held at the time of the adoption of the Constitution. That the State was profoundly stirred by the excitement is true ; and the large number of popular meetings, held in consequence, offers an opportunity to study directly the spirit of the people, and at the same time show the tendency of the people of North Carolina, in contra-distinction to its political leaders, to take a direct personal interest in the policy of the state. Though these meetings almost uniformly registered protests against nullification, only one has been discovered by the writer in which the sentiment was expressed that the United States constituted one great political society and that the government thereof was essentially a national government.² On the contrary, there were evidences in the legislature, in mass-meetings, in the press,

1. Journal of N. C. House of Commons, 1834, p. 229.

2. This meeting was held in Wilmington and was presided over by Ex-Governor Owen. Strangely inconsistent with this, Wilmington was the strongest secession centre in the State in 1860 - 1861. See Raleigh Register, Jan 4., 1863

and in private correspondence which showed a spirit anxious to find a way to repudiate the doctrine of nullification, but at the same time to save the original doctrine of state-rights. Macon's letter, already cited, probably expressed as accurately as could be done the attitude of the controlling force in the State.

The close trimming of the old Republicans between nullification and the older doctrine of state-rights moved them to retain supremacy in state politics until 1833. Jackson was uniformly supported through his two administrations. The President's veto of the Maysville Turnpike appropriation and his fight on the United States Bank were, to North Carolina Republicans, a fulfillment of their trust in him. These two factors caused the Assembly in 1831 to recommend him to the people for re-election¹ and again, in 1834, to instruct the State's Senators to vote for expunging from the records the resolutions of censure of the President by which the United States Senate had expressed its displeasure at his removal of the government's deposits from the United States bank.²

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1. Resolutions. Laws of N. C. 1831 - 32, p. 139.
 2. Three Southern States passed instructing resolutions - Alabama, Mississippi, and North Carolina. For the bank controversy and the fight over "expunging" see Benton's Thirty Year View, I, 370, et seq.

Out of the action of the legislature in instructing the Senators grew a contest which super-imposed upon the sectional differences of the East and the West, drew the final line of demarcation between the old Republicans and the young Republicans, or Democrats and Whigs. Willie P. Mangum and Bedford Brown were the state's Senators. Mangum, a latitudinarian of the Henry Clay type, refused to be instructed by the legislature and voted against the expunging resolutions in each instance.¹ Brown, a state-rights man of the Macon school was submissive to the mandate of his state. About the standards of the two senators two factions arrayed themselves and joined in a fierce contest for supremacy. Though the question of instruction was the nominal issue, the differences of the factions were much wider. Under the lead of Mangum were ranged all those who were anti-Jackson, pro-bank, for internal improvement of the federal government, and who favored a reform in the State constitution. Brown led those who held to the opposite principles. In general Mangum's support was the West ; Brown's, the East. Both parties claimed Jefferson

1. Benton, Thirty Year View, I, 523.

2. Cf. Dodd, Life of Macon, 361.

as their political leader. Both professed state-rights' principles. The Whig party, in an endeavor to eclipse its rival, now designated itself the "State Rights Whig party" during the first years of its existence. But co-operation with the National Whig party soon fostered the growth of a spirit of nationalism among the Whig leaders which was directly opposed to the particularistic principles of the State Democracy.

Under the guidance of Mangum and Governor David Lowrie Swain, the Whig party distanced its opponent and in 1835 was able to force constitutional reform upon the reluctant East. This victory was followed by a Whig regime of fifteen years duration.¹ In the meantime, as political power was about to slip from the grasp of the Democrats, the party of real particularism, it is pertinent to examine the question of slavery, over which, in an effort to retain supremacy, the danger cry was raised.

The first attention to slavery in the public councils of North Carolina after the subsidence of the Missouri Compromise excitement was that given in a message of Governor Gabriel Holmes to the Assembly in 1824.² The Governor called

1. Since reform of the State Constitution was the lever by which the Whigs gained supremacy it will be treated in a separate chapter and as introductory to the Whig regime.
2. Executive Letter Book, Ms. Nov. 10, 1824.

attention to the large number of free negroes who, being emancipated by their masters, had emigrated to the island of Hayti and were now returning to the United States - particularly to North Carolina. In view of the fact that these were likely to have become inoculated with ideas of freedom not meet for the slave he suggested a law to prohibit the return of such persons to the state. No action was taken, however, until 1820. In this year a law was enacted to prohibit the entry of free negroes, by land or water, under a penalty of five hundred dollars fine. Failure to pay the fine subjected the delinquent to ten years servitude and removal from the bounds of the state within thirty days after its expiration or suffer a repetition of the service penalty. As to the free negroes already within the state the Act provided that any who were able to labor and yet spent their time in idleness and dissipation, should be committed to jail and, upon failure to give good security for future industry and good behavior, should be bound to service by the Court of the County in which the case fell. Children of such parents were also to be bound to service and taught a useful trade.¹ Care was taken to provide

1. Laws of North Carolina, 1820, 13.

Care was taken to provide a jury trial in all these cases. In 1828 a law was enacted charging the poll tax of all free negroes to the person upon whose land they lived.¹ The laws were primarily for the purpose of protecting the slave from the influence of the Ishmaelites of his race.

Simultaneously with the founding of the American Anti-Slavery Society and the first issue of Garrison's Liberator in Boston, Massachusetts, North Carolina in common with other Southern States, as if in answer to the threat implied by the New England movement, began to tighten the cordon about her slaves. Thus the years 1830 and 1831 were years of unusual activity in slave legislation. The mere titles of the laws enacted will show their nature and object. The following illustrate their spirit : To prevent all persons from teaching slaves to read and write, the use of figures excepted ; to provide further punishment for harboring and maintaining runaway slaves ; to regulate emancipation of slaves ; to prohibit free persons of color from hawking and peddling outside the county in which they reside ; and a supplementary act for the good government of free persons of color.² In the

1. Ibid, 1828 - 29, p. 21

2. Laws of N. C. 1830 - 1831, pp. 11 - 16. These laws were all passed between November 1830 and February 1831, six months previous to the Nat Turner Rebellion.

summer which followed the passage of these laws by North Carolina occurred the Nat Turner Slave insurrection in Southampton County, Virginia. Southampton bordered the North Carolina line and the wild pest extended over the border among the dense slave population of the contiguous counties.¹ Murfreesboro, The nearest North Carolina town, received many of the panic-stricken refugees from the disturbed area and quickly raised a troop of horse and dispatched it across the border to the seat of the trouble.² When the extent of the massacre became known wild alarm spread throughout the slave area of North Carolina. Rumors of slave risings flew thick and fast, from Murfreesboro on the north to Wilmington on the south and as far as Hillsboro to the westward. The town of Wilmington remained under arms many hours in anticipation of an attack by slave insurrectionists who were supposed to be gathering like a black cloud in Duplin, Sampson, and New Hanover Counties.³ Raleigh was reported to be threatened from the southward and was put in a state of defense.⁴ Hillsboro hastily

1. Drewry, The Southampton Insurrection, 55 - 75.

2. Wheeler. Historical Sketches, 11, 310. Personal recollections.

3. Wilmington Recorder, Nov. 10, 1831.

4. Raleigh Register, Sept. 10, and Sept. 20, 1831.

organized a company of militia to be sent to the defense of the capitol. Many other towns organized and drilled volunteer companies. The patrol system sprang suddenly into existence. The scare was genuine throughout the whole slave area of the state. Its immediate result was the trial and swift conviction of a number of slaves and free negroes on the charge of conspiracy.¹ The excited state of the popular mind had its reflex in the laws of the succeeding Assembly. Machinery was set up for the speedy trial of slaves in Capitol cases.² The law of 1741, which authorized Court courts to grant certificates to slaves permitting them to carry guns in certain cases was repealed.³ But for the most part slaves received the protection accorded private property and the onus of the legislation growing out of the Southampton insurrection fell upon the free negro.⁴ The Assembly seriously considered a bill which proposed to lay a tax of ten dollars on every negro poll in the state - slave or free - for the purpose of removing all free negroes to Liberia. The defeat of the measure seems to

1. Six were living in New Hanover County, three in Duplin, and several in Sampson. *Wilmington Recorder*, Dec. 10, 1831; and *Raleigh Register*, Oct. 20, 1831, and *Ibid* Sept. 25, 1831.

2. *Laws of N. C. 1831* - 32, p. 25.

3. *Ibid*, 34.

4. See *Laws of N. C. 1831* - 32, pp 7, 10, 24, for new stringent laws as to this class of citizens.

have been due to the objection of slavenholders to the payment of the ten dollar tax on their slaves rather than to a consideration of the extra-constitutionality of such a measure.

The whole south had been keyed to a high tension by the circumstance and horrible detail of the sixty-five murders committed by Nat's band. A lasting impression was left upon the minds of all southerners. Therefore they were especially sensitive to abolition agitation at the North. Feeling was intensified by the literature now beginning to be circulated in the South by Northern apostles of abolition. The question became of large importance in congress and involved a determination of whether the United States mails should receive for distribution the class of matter which the Southern States viewed as incendiary. President Jackson recommended to Congress the passage of a law which would prohibit the distribution of such matter. Opposition developed among the Northern representatives and this controversy, together with the wrangle over the "gag-rules" and disposition of anti-slavery petitions had, by 1835, brought the South to the ragged edge of exasperation.

The Southern Democrats, at the suggestion of Calhoun, soon came to the view that it was within the right of a state to determine what character of literature should circulate within its borders. Jackson's suggestion was not pressed,

though North Carolina was grateful to him for the good intent.¹ The State now strengthened her own laws regarding incendiary literature and passed resolutions which were her answer to agitators - in Congress or elsewhere.² These resolutions were of a strong state-rights tone and declared the competency of the state to legislate upon all questions calculated to influence slavery within her borders. She deprecated, therefore, talk of authority, advice, or persuasion from any source whatsoever and regarded the offer of any of these as intrusive, whether by Congress, legislatures, or people of other States.

The excessive sensitiveness exhibited in these resolutions marked the seriousness with which the state regarded the rise of the abolition movement. Upon the question of opposition to such a movement there was no divergence of opinion in the state. Both parties condemned with equal vehemence the purpose Northern movement for the abolition of slavery in the District of Columbia. But the Democratic party of the state made slavery protection its creed and thereafter the "soundness" of every presidential candidate upon the slavery question was the condition of its support. The Whig party was

1. Raleigh Register, Nov. 17, 1835.

2. Laws of N. C., 1835, Resolutions, p. 110.

never the party of the slaveholder in North Carolina and it was due to this that the Democrats were able in 1836 to carry the State for Van Buren,⁽¹⁾ Jackson's chosen successor, though the Whigs elected the governor, it being the first popular election for that office ever held in the State.

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1. Van Buren had given assurances, on inquiry from North Carolina Democrats, that he opposed any interference with slavery in the District of Columbia.
See 50 Niles Register, 126.

WHIG SUPREMACY: 1835-1850.

Chapter III.

When the revolted province of North Carolina framed her constitution in 1776 the constitution makers, regarding the counties as equal in population, accorded to each the right to elect a senator and two commoners to the General Assembly. This arrangement was not equitable at that date. The swamp and marsh region which fringed the coast and shut in Albemarle and Pamlico sounds was divided into very large and thinly settled counties. To the westward the swamp region gave place to a rich alluvial district which was free from the ills of the swamp area and, though extending beyond the upper limits of tide-water, was in easy communication with the sea by means of the great rivers, the Roanoke, the Tar, the Neuse and the Cape Fear. This area, containing the bulk of the population of the state, was divided into counties of normal and convenient size. These small but populous and wealthy counties made up an irregular double tier which extended across the state from north to south approximately parallel to the general coast line.

Behind these, to the westward, began the back-country, where

(1) In addition, six towns, four in the East and two in the West, were each given the right to elect a borough member to the lower House.

population again grew apace and the counties correspondingly large.

As these large back counties began to fill up they grew dissatisfied with the basis of representation. Increase in population did not bring an increase in representatives as long as representation was based on counties. To split up the over large western counties as their population increased was the natural course for the State government to pursue. But the central eastern counties, in contest by virtue of their number, refused assent to any plan whereby their existing advantage would be destroyed. Hence an Eastern and Western party came into being. An imaginary line, definitely fixed in the minds of the people of both sections, ran across the state somewhat to the west of Raleigh (1) dividing the East from the West as effectively as a natural barrier would have done. Dissimilar interests, opposite purposes, and often hostile feelings animated the two sections and urged them to a prolonged contest. (2)

A method of correcting the inequalities of representation other than by a division of counties was to re-

(1) Cf. Speech of Wm. Gaston in N.C. Constitutional Convention of 1835. Debates, 124, et seq.

(2) The differences between the East and the West after 1789 were in reality a continuation of the old pre-Revolutionary ill feeling that had culminated in the Regulators' War of 1769-71. The basis of representation adopted by the constitution makers in 1776 gave the controversy a new lease of life.

form the state constitution in such a manner as to permit the state to be divided into districts according to population and taxation and these districts made the basis of representation. The West urged such a reform as early as (1) 1790, and continued to press the movement from that date. At each successive annual assembly petitions were presented for a reform in the constitution or for a just division of (2) the western counties. The East as constantly refused to make any concession. By 1818 the inequalities in representation had grown to so great that the demand of the West for reform became a threatening danger. The use of force was freely discussed and revolution, though deprecated, as a last resource was not counted among the improbabilities of (3) the strained situation. The West, containing twenty-eight counties, now had a majority of the population of the State But the East, made up of thirty-four counties, had a final majority in the General Assembly.

In the legislative term of 1819-1820 the Western members made a determined effort to induce the East to come to equitable terms. The demand for a reform in representa-

(1) N.C. State Records, XXI., 1052.

(2) Raleigh Register, Dec. 3, 1799.

(3) Cf. "Senator of Lincoln County" in Raleigh Register, Jan. 8, 1819.

tion was coupled with demands for the popular election of the governor and for the general reform in the revenue and judicial systems. Debate upon the resolutions embodying the western plan of reform occupied nearly the whole of the legislative term. The main position of the Eastern members, as developed in the debates, was, that a just and republican principle did not require that members alone should govern; that one of the most important ends of government was the protection of private property; that counting property in slaves, the East was decidedly the wealthier of the two sections and, therefore, the existing mode of representation operated justly. This argument served to defer concession, the reform resolutions being defeated by a strictly sectional vote.

Despairing of legislative concession the Western members of the Assembly determined, in 1822, to appeal directly to the people. Accordingly, after a caucus meeting they issued a call for a popular convention to meet in November of the following year to consider the question of reform. Extra-legal in its origin, this convention met at

(1) N.C. Senate Journal, Dec. 2, 1819.

(2) These debates are published in Raleigh Register, beginning Dec. 10, 1819, and continuing for several months in its weekly issues.

(3) Slaves were not, however, at this time, or ever afterward, taxed as property. A poll-tax of 50 cts. on all slaves between the ages of 12 and 50 years was the greatest

Raleigh upon the date designated, delegates from 24 of the
 (1)
 28 Western counties being present. No delegates appeared
 from the East. The ten days' session of the Western con-
 vention accomplished but poorly the purposes for which it
 met. The main purpose had been to impress the East with
 the strength of the reform movement. But this object was
 almost wholly defeated by the development of a lack of har-
 mony among the delegates present.

A committee of five, appointed to draft amendments
 to be prepared by the convention to the people, found great
 difficulty in reflecting the will of the delegates as to
 the kind of reform needed. The extreme western or moun-
 tainous counties, in which there were practically no slaves,
 wished free white population to form the basis of repre-
 sentation. The middle western counties, contiguous to the
 East and already large slave-holding counties, wished fed-
 eral numbers to form the basis. The will of the latter
 prevailed in the committee and the amendment relative to
 representation proposed that 4000 of federal population sho
 should be the unit of representation in the commons and

 tax ever levied on this species of property in North Caro-
 lina.

(1) The proceedings of this interesting convention appear
 in Raleigh Register, Nov. 14, 1823, and Nov. 21, 1823. Also
 in Raleigh Star of same dates.

(

10,000 the unit for the senate. By this arrangement, should the state subsequently adopt the measure, the mountain counties would gain nothing, the East would lose nothing, the slave counties of the middle West would become identical in interest with the East and further reform be put off indefinitely. In the effort of the middle western counties to convince the East of their conservatism the
(1)
amendments proposed failed to include the abolition of the rotten boroughs or the popular election of the governor measures for which the whole West had formerly made demands.

A second committee prepared statistical facts relative to the counties represented in the convention and those unrepresented and reported as follows:

Free population of entire State	-	433.912
" " of represented counties	-	233.933
" " " unrepresented "	-	199.979
<hr/>		
Majority of represented counties	-	33.954
Federal members in whole State	-	556.695
" " in unrepresented counties		284.264
" " " represented "		272.431
<hr/>		
Difference in favor of unrepresented counties	-	11.833
<hr/>		
(1) Raleigh Register, Nov. 21, 1823, contains all the		

The committee further reported that the amount of taxes paid by the counties unrepresented in the convention was, approximately, \$10,000 more than that paid by the counties represented. (1) Hence the West had failed to prove its case, unless it was granted that free population should be the basis of representation - an assumption which the East had long since denied. Having adopted the reports of the various committees and recommending a constitutional convention to the people the Western convention adjourned, evidences of the lack of harmony not being absent.

The succeeding General Assembly promptly refused to call the convention recommended or in any way to further (2) the suggestions of Western Convention. This action by the Assembly was tantamount to a declaration by the East that it would not meet the overtures of the middle western counties nor concede them a share in the control of the state. They were forced, therefore, to remain united with the mountain counties. The issue was accordingly kept alive, (2) the fight immediately renewed and continued without intermission. After that relative to representation, biennial instead of annual assemblies was perhaps the most important.

(1) The population statistics were based on the U.S. census report of 1820 and the tax statistics on the State comptroller's report for the same year.

(2) Journal of N.C. Gen. Assembly, 1823, 128.

(3) Carolina Watchman, June 15, 1824.

termission for another decade.

Already the two sections had attached themselves to opposing leaders in national politics, in 1824 the West supported Jackson for the presidency and the East supported Crawford. In 1828 when the East adopted Jackson as its candidate the West grew luke-warm in his cause and by 1832, was definitely alligned with the new Whig party under the leadership of Henry Clay. Under the banners of Whig and Democrat the fight between the sections over constitutional reform now drew toward a conclusion favorable to the West.

At the election of Assemblymen in August, 1833, the Western or Whig party opened polls in thirty-three counties for a record of the people's votes for or against a convention. This polling was extra-legal and was conducted only in the Western counties and in several detached Eastern counties which had been converted to reform. But the result was 30,000 votes for, and only 1000 against, the convention. This demand for reform was too loud to be ignored. When the Assembly met in November a joint committee of the two houses reported that, in its opinion, had polls been opened throughout the State and under the sanction of law a large majority of the people would have cast their votes

(1)

for a convention. The committee, therefore, recommended

(1) N.C.Legislative Documents, 1833, 94.

constitutional amendment and suggested that either of two methods might be employed,- (1) a convention of the people, (2) legislative amendment. But of these two methods the committee, a majority of which were Eastern members, recommended legislative amendment, the results afterward to be submitted to the people. (1) The legislative method would place constitutional amendment in the hands of the friends of the Constitution, i.e., the East, which had control of the legislature. The Western members, however, refused to hear anything of this plan and continued to demand a convention. In consequence there was a deadlock and the session closed without agreement. (2)

The Raleigh Register, favorably situated for accurate observation, summed up the evil state of North Carolina politics in the following mild terms: (3) "The members of the North Carolina Assembly are split into factions under the well-known standards of the 'East' and the 'West', the 'Roanoke' and the 'Cape Fear', and even when a revenue bill is to be considered their votes depend very much upon the circumstance from what quarter of the State its mover

(1) The Constitution of 1776 provided no plan for its amendment, hence the choice of methods.

(2) Journal N.C. General Assembly, 1834, 244. Final postponement was carried by only four votes in the commons.

(3) Raleigh Register, June 11, 1833.

comes. Unaccustomed to consider subjects upon their merits, the crowd look only for their leaders. If the mover of a measure comes from the East the opposition of the West is assured, and vice versa". Such a condition of affairs had according to the Register wrought distraction and confusion in every branch of the government and completely clogged political energy and progress.

But a very remarkable man was now governor of North Carolina and determined upon reform, David Lowrie Swain. He was born in Buncombe County - the very heart of the rugged mountainous area of North Carolina. His father was a New Englander who had settled in Georgia and later removed
(1)
to Western North Carolina. Without early education advantages other than the little mountain hamlet of Asheville afforded, the younger Swain was a practicing lawyer at 22 years of age, a member of the General Assembly from his 24th to his 29th year - one year excepted - a judge of the Superior Courts at 30, governor at 31, and president of the State University at 35. Swain owed his rapid advance in political preferment to his intuitive understanding and appreciation of the qualities of his fellowmen and the confidence with which he inspired them. In every sense he was

(1) Wheeler's Reminiscences, 57-58 for facts of Swain's early life. Also Wheeler's Historical Sketches, II. 53.

a man of the people, and though sprung from the West, he was equally trusted by the East. Inclined toward Whig principles he was nevertheless elected governor by the Assembly in 1832, 1833, and 1834, and held himself sufficiently neutral between the sections to bring about the attempt at agreement made in the legislature in 1833. The failure of this plan aroused him to further effort and his message to the Assembly, November 17, 1834, began a new epoch in the political life of the state. Rising above sectional and party strife he dealt with the subject of reform as a means to reinvigorate every department of the state's activity. He reviewed the sectional controversy from its origin in colonial times down to the present and pointed out the utter impossibility of wise or liberal legislation until such conditions were ended. (1)

Swain's position, together with the force derived from Mangum's thorough organization of the Western or Whig party, now caused the East to give way and in January, 1835, a convention bill was carried. The bill provided that a popular vote should be taken on the question whether a majority of the voters should approve the convention then

(1) This reform message of Gov. Swain is published in 47 Miles' Register, 221, and in all N.C. State papers of date

(2) Public Acts of N.C., 1834, 35, Chap. I., part 1.

the Governor should fix a day for the election of delegates and a day for the convention. The convention act defined the limits of the convention's power in regard to representation. The bill provided that the senate should be made to consist of not less than 34 nor more than 50 members, to be chosen by districts according to public taxes, and the commons of not less than 90 nor more than 120 members apportioned by districts according to federal population. Thus, after all, the vital question of representation was determined by the East and in such a manner that the privileges of the old slave area remained unaffected. Nothing would be lost by this section in the change from the county basis to federal population basis - for it possessed the bulk of the slaves. In fact there would be a gain in that the limits of the East would be extended further westward and made to include all the slave counties of the state.

(1)

Where, however, the popular vote was taken on the convention question in April every Western county save one gave majorities for the convention and every Eastern county gave majorities against it. But the total majority for the convention was 5856 votes. The election of delegates

(1) -----

(1) Official returns, Vote by Counties, N.C. Standard, April 24, 1835.

(1)
 secured a few votes later. The Convention assembled in Raleigh, July 4, and remained in session until July 11. The aged Nathaniel Macon came forth from his retirement to act as chairman and preside over the destinies of his state while the younger generation laid hands on its Constitution.

The reforms made by the Convention of 1835 may be briefly summarized. The election of governor was given to the people and the term of office increased to two years. Assemblies should meet biennially instead of annually. Sheriffs were henceforth to be elected by the people of the respective counties. Religious tests for officeholders and borough representatives were abolished. Free negroes were disfranchised. The senate was therefore to consist of 50 members and the commons of 120 chosen according to the provisions of the enabling act already noted.

The question of representation was now settled apparently to the mutual satisfaction of the whole slave area. Speaking broadly and disregarding the Quaker strongholds in Randolph, Chatham and Guilford, the slave area now included the whole State east of the foot of the Blue Ridge mountain-----

(1) Two delegates from each county composed the Convention, being elected on the same basis as the members of the commons. This assured a majority in the Convention to the East.

tains. If, after old scores were forgotten, sectional strife should be renewed the issue would be between the strong slaveholding sections and the weak mountain counties. Yet, in 1835, it was confidently expected that mining and manufacturing would cause the spread of slavery into the

(1)
mountains. But this prophecy was never fulfilled to any large extent, and twenty years later the mountain counties, in political combination with the marsh counties of the sound region, were ineffectually demanding free white manhood suffrage as the basis of representation.

Governor Spaight in November laid the amended Constitution before the people. The counties on opposite sides of the old sectional line, totally unused to agreement on any question, voted according to habit, each Western county giving a majority for ratification and every Eastern county, save one, a majority for rejection. The total majority for ratification, however, was 5165, being practically the same by which the convention had been called. The new or amended Constitution went into operation at the beginning of 1836 and in August the first popular

(1) Debates, N.C. Constitution of 1835, 139.

(2) Each successive census marked a slight increase in the small number of slaves in the mountain region of North Carolina; but they were never sufficiently numerous to influence the political views of the people.

election for governor was held under its provisions. The result was a victory for the Whig or Western party.

Though the Whig party now assumed the responsibility which had rested in the hands of the old anti-federal or state rights Republican party since 1793 it had as yet developed no principles antagonistic to state rights doctrine. Indeed for the first few years of its existence in North Carolina the Whig party was known by its adherents as the State Rights Whig party. But the application of a name did not enable it to usurp the place of the old Republican now the Democratic - party which, in the minds of the people was always identified with strict construction principles. Moreover, the affiliation of the local with the national Whig party soon made the profession of strict construction principles inconsistent for the North Carolina Whigs. The sectional party, swayed by its stronger northern section, more and more tended toward liberal construction. To be strict constructionists in State and liberal constructionists in national politics placed the local Whigs in an equivocal position of which the Democrats were not slow to take advantage.

The Whigs retained their hard-man supremacy for fifteen years, however. Their power to do so was derived from two main sources: first, the perfection in organization

attained in the struggle for reform; second, the adroitness with which the leaders reconciled the inconsistencies of their local and their national politics. Both of these factors were essential to supremacy, for, the period of the Whig regime, 1835 to 1850, was the period in which the national Whig party developed strong tendencies toward old Federalist principles. It was the period of the struggle over the re-charter of the United States bank; the period in which Texas was annexed and the Mexican War begun and concluded - in the train of which came the renewal of the controversy over slavery extension. Each of these issues included constitutional points upon which the national parties could and did disagree. But this privilege of disagreement, at least in so far as slavery was included, was denied the local parties in North Carolina. The political edifice of the local Whigs, therefore, rested upon an insecure foundation from the date of its erection in 1835 until it toppled to its ruin in 1850 during the excitement attendant upon the second great slavery compromise.

The local Democrats knew well the potency of the argument against their opponents that danger to slavery lurked in the councils of the Northern Whigs, The North Carolina Whig, therefore, from the date of their supremacy,

(1) Standard, March 21, 1837.

were forced to condemn with Democratic vehemence the evident tendencies of their Northern partymen. The reception of the Vermont resolutions in 1837, asserting the right and duty of the federal government to abolish slavery in the District of Columbia, afforded such an instance. Both parties alike applauded Calhoun's speeches against the reception of petitions by Congress for abolition in the District, and both as heartily condemned Adams for their advocacy.

When the demand for the annexation of Texas grew strong in all the South and Henry Clay, the great Whig oracle, opposed it on the ground that acquisition of new territory was but sowing the seeds of strife over slavery the North Carolina Whig press, ignoring Clay's attitude, pointed out the peculiar importance of Texas to the slaveholding states and declared that with the acquisition, abolition in the District, or elsewhere - might forever be set at defiance by the South. In fine: that "the annexation of Texas is essential to the future safety and repose of the Southern States of this Confederacy". The Democrats themselves were not more ardent for Texas. The difference in attitude of the two local parties lay in the

(1) Raleigh Register, May 9, 1837.

(2) Star, May 21, 1837. Raleigh Register, March 28, 1837.

(3) Star, Aug. 23, 1837.

fact that, for party purposes, Southern Whigs felt it necessary to concede to their Northern allies that annexation ought not to be accomplished at the risk of war with Mexico. The refusal of the United States Senate to ratify the annexation scheme of 1838 caused the question to lay for a time, giving place in popular interest to the presidential election of 1840.

Despite his declared opposition to the annexation of Texas, Clay was decidedly the favorite of the North Carolina Whigs for the party nomination in 1840. (1) When, however, General Wm. H. Harrison received the nomination instead, his candidacy soon awakened unusual enthusiasm in North Carolina, as elsewhere. In the general tumult accompanying this campaign, unique in American politics, party principles were well-nigh forgotten. Van Buren, Democratic candidate for re-election, was held equally responsible with Jackson, his predecessor and patron, for the financial crisis of 1837, for perversion of the federal patronage, and for the general executive usurpations of the last two (2) administrations. The national Whig platform, reform, was especially congenial to the local Whigs because their party had come to power on that issue in state politics.

(1) Raleigh Register, Dec. 10, 1838 and July 6, 1839.

(2) Cf. Schouler, Hist. of N.C., IV., 341.



The gubernatorial contest in August, 1840, was a decided Whig victory and foretold success in November. John Motley Morehead, with internal improvements as the issue, was elected over Romulus M. Saunders, the Democratic candidate, by a majority double that of the Whig success of (1) 1838. The vote plotted by counties showed that the Whig party was coming to enjoy the confidence of a number of Eastern counties. The old solidarity of the sections was beginning to be broken up by the alliance of the coast counties with the West. The Whigs began to feel firmly entrenched. Their confidence seemed still further warranted when the results of the presidential election in the state were known. Harrison's electors had been chosen by a majority of 12,594, the total vote polled being the largest (2) in the history of the state. Harrison's overwhelming victory throughout the country seemed to the North Carolina Whigs a guarantee of stability and future harmony for the (3) party.

The task of conserving the power now held by the Whigs in the state was to tax the efforts of the able Whig leaders who had created it. The foremost of these leaders

(1) Raleigh Register, Sept. 8, 1840.

(2) Official returns compared. Raleigh Register, Nov. 27, 1840.

(3) Ibid., same date.

were Willie Person Mangum, William Alexander Graham, George Edmund Badger, and Thomas Lanier Clingman. They did not force the State into a position of national prominence, for this was not the genius of her people, but they held her to the Whig allegiance during a decade in which the real interests of the South seemed to be represented by the Democratic party. Their position was a difficult one. The problem before them was, on the one hand, to preserve the unity of the Northern and the Southern sections of the party, and on the other, as practical politicians, to inspire the local Whigs with confidence in the national Whig policy. In the solution of this problem three of these leaders, Mangum, Graham, and Badger, together with numbers of their followers, caught a spirit of nationalism which, in the succeeding decade, came into violent conflict with the spirit of State individualism upon which the South relied when she felt her institutions threatened.

Of the triumvirate composed of Mangum, Graham, and Badger, the first two were in the United States Senate and Badger had recently been appointed secretary of the navy by President Harrison. Mangum had been the longest in public life and was regarded as the Nestor of the local party. As the leader of the Western party he forced his election to the United States Senate in 1831. With a watchful in-

terest in State politics Mangum then arrayed himself as an apponent to the personal government of President Jackson and sought to chrystallize what local sentiment existed against Benton's Expurgng Resolutions and against the legislative practice of instructing senators. In 1836, however, he failed of re-election because he had refused to follow legislative instructions on "Expunging", and only entered the senate again when, in 1840, the Whigs had secure control of both branches of the North Carolina Assembly. Upon the death of Harrison and Tyler's elevation to the chief magistracy Mangum was elected permanent president of the senate and served through the term of the administration. (1) Graham, like Mangum, was from the West - both being residents of the same county. (2) Both were slaveholders and in every sense identified with the slavery regime yet both were, and remained, thoroughly opposed to the radical tendencies of the South on the question of state-rights.

The North Carolina Whigs were in thorough sympathy with the purpose of the national party to re-charter the United States bank and restore the country to a sound and uniform currency. The State had suffered its full share in the crippling of the local banks during the financial strin

(1) Wheeler, II., 336. Historical Sketches.

(2) Orange.

gency of 1838 and the people for the most part attributed the result to Jackson's destruction of the United States bank. (1) Eight of the State's congressional delegation in 1841 were bank men and five were anti-bank men. It is probable that these members represented the proportional strength of the two parties. When Clay's first bank bill was under discussion in June, Graham and Mangum both stated in the Senate that the North Carolina Whigs were unanimous for the re-charter of the bank, and that many of the other party were favorable provided it could be done without their cooperation. (2)

When Tyler vetoed the first bank bill brought forward by Clay and a rupture of the party was imminent, North Carolina Whigs continued to hope for some means to promote harmony. (3) But when the second veto followed it was seen that Tyler must be thrown overboard, no sign of hesitancy was apparent. Badger, with the full approval of the local party, (4) together with the remainder of the cabinet, Webster excepted, at once resigned. Mangum, from his position of influence in the Senate, directed the formal caucus at Washington which resulted in the Whig "Manifesto" that read

(1) Raleigh Register, April 13, 1841.

(2) Congressional Globe, June 24, and June 25, 1841.

(3) Raleigh Register, Aug. 20, 1841, and Star, Aug. 25, 1841.

(4) Raleigh Register, Sept. 17, 1841.

(1)

Tyler out of the party.

The break with Tyler did not affect the local situation. The Whigs showed a unanimity quite equal to that claimed by Mangum and Graham in the Senate and were in hearty support of Clay upon his issue with the administration. In the following year the Kentuckian's flag was nailed to the mast. But just before the national nominating convention in 1844 Clay visited the State and made several speeches which, though received with enthusiasm by his large audi-

(2)

ences, nevertheless had a decided tendency to decrease the number of his followers. In his speeches, and in a letter to

(3)

the general public dated at Raleigh, he took the ground that Texas should not be immediately annexed. The leading Whig journals in the State, however, handled the subject with care and caution, expressing the desire to see Texas added to the Union, though not at the expense of the honor

(4)

of the country. When Clay was nominated it was inevitable that his position on the Texas question would alienate the most considerable portion of his support in the South. In the summer the outcome in North Carolina seemed very doubtful. The gubernatorial election occurred in August, result-

(1) Benton, Thirty Year View, II., 357.

(2) Star, April 17, 1844.

(3) 66 Niles' Register, 439, and National Intelligencer, April 27, 1844.

(4) Raleigh Register, May 3, 1844, and Star, May 1, 1844.

ing in a victory for Graham, though by a majority reduced to one-half that secured by Governor Morehead in 1842.

In November it was found that the Whig margin was still further reduced. Clay carried the State by 3945 votes only, a majority equal approximately to one-third that given Harrison in 1840; and yet an even larger total vote had been cast in 1844 than in 1840. (1) South of the Potomac only Kentucky, Tennessee, and North Carolina were now in the Whig column. The other Southern States that had been Whig in 1840 had, under the stress of the demand for Texas, trans-ferred their allegiance to the Democracy. (2) The strong organization of the Whigs in North Carolina and the personal popularity of the candidate, notwithstanding his attitude toward Texas, saved the State to the Whigs at this time when the opposing candidate, Polk, stood for the enlargement of the slavery area.

(3)

After the removal of the fear of losing Texas the North Carolina Whig leaders believed the opportunity had come for regaining their lost strength and for welding the whole Whig party into unity. To this end they firmly sup-

(1) The official returns, Raleigh Register, Nov. 24, 1840 and Ibid., Nov. 19, 1844.

(2) Georgia, Louisiana, and Mississippi, had cast their electoral votes for Harrison in 1840.

(3) President Tyler secured the annexation of Texas four days before he gave place to Polk.

ported the policy of a protective tariff. By 1846 the State nominating convention was fully developed, thus making possible a much clearer insight into party principles. At these conventions each party spread its platform before the people in sets of printed resolutions which within themselves are instructive political documents. Since the election of a Whig governor in 1836, and the beginning of the Whig regime, the tariff or protective policy had entered into all the political contests of North Carolina. (1) The Tariff act of 1842, and the protective policy generally, had been fully and freely discussed from the mountains to the sea. The result had been that the party favoring a tariff which would yield sufficient revenue, and at the same time so discriminate as effecting to protect the manufacturing and working interests of the country, had in each instance since 1836 elected the governor. It had been alledged in 1840 that if a Whig president was elected the protective policy would be fastened upon the country; yet the Whig candidate received the vote of the State. The death of Harrison and the troubles which arose in the Whig ranks upon the accession of Tyler produced apathy and despondency in the local

(1) Cf. Speech of Alfred Dockery, of North Carolina, July 28, 1846. Cong. Globe, 1 Sess. 29th Cong. 1160.

Whig party as elsewhere. Hence, though the Whigs elected the governor in 1842, the Democrats gained a temporary majority in the legislature and in that year elected William H. Haywood as United States Senator to succeed William A. Graham. Haywood entered the Senate as a Democrat in full accord with his party. But in 1846, when the Polk tariff act was passed to reduce the Whig tariff of 1842, Haywood, believing that the Whig measure was best for the country, (1) resigned his seat rather than vote for the reduction bill. Naturally Haywood was repudiated by his party; but his action was indicative of the strength of protective sentiment in North Carolina. George E. Badger was forthwith elected by the Whig legislature to fill Haywood's place. Badger like his colleague Mangum, favored a tariff which would make the United States industrially independent. The State Whig convention of 1846 declared for a higher tariff on imports, "a tariff which furnishes incidental production to commerce, agriculture and manufactures", rather than that (2) the revenue should be increased by direct taxation."

As an agricultural and slave state the position of North Carolina upon the tariff may very properly be termed unwise; but an examination of the facts make it impossible

(1) Congressional Globe, 1 Sess. 29th Cong., 1141.

(2) Raleigh Register, May 15, 1846. Proceedings of the Whig State Convention.

to conclude that her attitude on the tariff question was altogether, or even in large part, the result of a desire to conciliate the Northern Whigs. Undoubtedly such a desire had weight. But there had also long existed in the State, especially in the West, a belief that the immense water power of the rivers, could, and, one day would, be utilized for the growth of large manufacturing interests. (1) Yet it must not be supposed that the North Carolina Whigs were favorable to an outright protective tariff- one in which the revenue feature was lost sight of, or made distinctly secondary. Such a tariff was not a part of the national Whig policy during the fifteen years of Whig supremacy in the Senate

The attitude of the North Carolina Whigs on the subject of the United States bank and on internal improvements has already been noted as in full accord with the national Whig policy. Hence only one great issue, that of slavery restriction, remained upon which the State party could not act in harmony with the national party and still retain supremacy. This issue was now looming into the greatest prominence, and, if the Southern Whig leaders failed to impress upon the whole party the importance of conservatism then

(1) Carolina Watchman, May 17, 1846.

the whole Whig fabric would be destroyed.

Already there were causes for distrust of the trend of national Whig policy. That a large addition of territory on the southwest would result from the war with Mexico begun by the Democratic administration was a foregone conclusion. That the Northern Whigs purposed that the addition should not be an enlargement of the area of slavery was shown in the terms of the Wilmot Proviso introduced (1) into Congress in 1845.

When, in 1846, the Wilmot Proviso was attracting its first considerable attention, North Carolina was in the midst of an exciting gubernatorial election and gave little heed to external politics until it was over. Graham, the Whig candidate for re-election, had tactfully avoided national issues in the campaign and had emphasized such State questions as education, better highways, and railroads. (2) The "proviso" received little attention from either party. Graham secured his election by a much larger majority than in 1844.

(1) The object of the Proviso was to prohibit the introduction of slavery into any part of the territory to be acquired from Mexico. Northern Whigs, aided by Northern Anti-slavery Democrats, pushed the measure through the House in 1846, and in consequence the whole South was soon awakened to its danger. See Benton, Thirty Year View, II., 694.

(2) Raleigh Register, July 28, 1846.



Not until February, 1847, did an expression come from a Whig source that might be taken as an authoritative expression of the Whig party sentiment relative to the Wil-mot proviso, now so persistently urged. The Raleigh Reg-
 (1)
ister, the official mouthpiece of the party, now spoke in no uncertain tone. Definitely setting forth the breach of sympathy between the Northern and Southern divisions of the
 (2)
 party, it said: "The uncertainty with which the members of both parties from the non-slaveholding states have supported this slavery restriction proviso convinces us that we have no right to expect justice at the hands of either. It behooves the whole South, then, to cast about, and decidedly and unflinchingly resist any and every project which must inevitably tend to advance the unholy and mischievous purposes of those who have openly and willingly violated the Missouri Compromise. * * * * * It is time for party distinctions to sleep, and for the South to present a united front." The rank and file of North Carolina Whigs were already as ardent supporters of the war with Mexico as were the Democrats. But the Whig leaders were more mindful of the danger of wrecking the whole party upon the rock of the

(1) Raleigh Register, Feb. 28, 1847.

(2) Congressional Globe, March 23, 1847.

proviso. Senator Badger's plan was one of preventives rather than cure. He opposed the whole plan of acquiring Southern territory by any method whatsoever. "Suppose", he said, "the territory now sought be acquired, how shall we dispose of it? how shall we escape the agitation of the slave question - an agitation which, come when it will, must shake the Union to its centre, alienate one portion of our people from another, and either destroy our national existence or leave it without the support of mutual confidence or mutual kindness." (1) Mr. Clingman, in the House, was endeavoring to induce the Northern Whigs to meet the Southern wing of the party on some middle ground. In December he made a notable speech (2) to the House in which he attacked the abolitionists of the North and the disunionists of the South with equal vehemence. He urged the Northern Whigs to agree to a division of the prospective territory by an extension of the Missouri Compromise line westward to the sea. Any conclusion, however, seemed yet afar off.

When Congress met in December, 1847 the Whigs had a majority in the House of Representatives. Accordingly, a

(1) Congressional Globe, March 23, 1847.

(2) Speeches and Writings of Thos. L. Clingman, 196.

resolution was passed which declared that the War with Mexico was unconstitutionally and unnecessarily begun by President Polk. Four North Carolina representatives, among whom was Clingman, voted for the resolution. Two others (1) were absent who would have voted affirmatively, the six making up the Whig delegation. Senators Badger and Mangum also favored such a declaration. Though technically this declaration may have expressed an historical fact, its support by the North Carolinians was clearly a part of their policy of conciliation and ingratiation, used for the purpose of promoting party harmony. The State Whig convention of 1848 registered this edict of the leaders and reinforced it by a declaration that the local party was entirely opposed to forcibly wresting from Mexico any part of her territory. (2)

This spirit of self-righteousness manifested by the North Carolina Whigs, though clearly meant for party purposes and as a means to an end in practical politics, laid them open to an attack from the Democrats on the score of recreancy to Southern interests and Southern rights. The Democratic convention characterized the resolution as giv-

(1) Standard. Jan. 12, 1848.

(2) Raleigh Register, Feb. 25, 1848.

ing aid and comfort to the enemy. The resolution, yoked with the Wilmot proviso, was almost more than the local Whigs could bear in the way of party adversity. Undoubtedly they were in a precarious position. Totally opposed in principle to the spirit animating the great body of Northern Whigs upon the subject of slavery extension, yet dependent upon harmony for its existence, the party found increasing difficulty in maintaining itself. But the power of its leaders and the excellence of its organization again elected a Whig governor in 1848; and these factors, reinforced by the fear of the Democrats that Lewis Cass, the Democratic nominee for president, was not sufficiently pro-slavery, placed the State again and for the third time successively in the Whig column, giving its vote to the successful candidate, General Zachary Taylor.

IV

... of the ... administration,
March 5, 1849, no resolution was ever reached in congress
as to slavery in the territories. Even before the signing
of the Fugitive Slave Law which in 1850 gave south-
western territory to the Union the people of
the United States had begun to grow excited over the pro-
bable passage of the Fugitive Slave Law, the passage of which
was to exclude slavery from the domain. The South be-
gan to inaugurate measures to prevent such congressional
action. The method most frequently employed was the
passage of resolutions by state legislatures. These res-
olutions usually instructed congressional delegations,
besides serving as an authoritative expression of the will
of the people.

Early in January, 1849, a set of resolutions on
slavery extension were introduced by the Democrats in the
popular branch of the North Carolina General Assembly. The
fourth resolution declared that the enactment by congress
of any law which should directly or indirectly deprive the
citizens of any of the states of the right of emigrating
with their slave property into any of the territories of
the United States and of exercising ownership over the
same while in said territories, would be the act of a power
contrary to the true meaning and spirit of the constitu-

(1)

tion. The Democrats continued to introduce resolutions
during the session; but the Whigs, with a majority in both
branches of the Assembly, were unwilling to deny the

(1) Journal of the North Carolina House of Commons, Jan.
13, 1849.

congressional committee on the constitutionality of slavery in the territories. Senator James L. Baker, the most influential Whig in North Carolina, was recently given his opinion in the United States Senate that congress had (1) full power over slavery in the territories. Mr. Badger's reputation as a constitutional lawyer was national and in the state his opinion always had great weight. The Whig legislature was disposed to follow him in admitting that congress had such power, but deprecated its exercise as unwise and unjust. Resolutions embodying this view were passed on January 27, which closed with an admonition to all public servants of the state to discount whatever might suggest suspicion that the Union could in any event be abandoned and to repeal every attempt to alienate any (2) portion of the country.

The secession spirit was active, however, in all the South, while there reigned imminent danger that slavery would be shut out of the Mexican possessions south of the old Missouri Compromise line of 36° and 30'. Secession as a constitutional right was discussed in the halls of congress and by every political sheet in the country. Southern and Northern Whigs began to lose the power of common action. Representative Foote, of Mississippi, Democratic minority leader in congress, wrote Thomas L. Clingman and other Whig representatives of North Carolina on November, 1849, asking what position was southern

(1) Speech of Senator Baker (Raleigh Register, Nov. 14, 1848).

(2) Resolutions, Laws of North Carolina, Session of 1848-1849, 237.

Whigs, the small number in the House, the refusal of the
Union Proviso upon which the Whigs were the majority.
Declaratory of the House to unite, ~~the~~ should, as was prob-
able, date us in the general election to begin.
I Mr. Clinch in 1843-1844 the year 1844 existing con-
cessions must be carried in; that the exclusion of
slavery from all the new territory would be a policy en-
tirely revolutionary on the part of the general govern-
ment, and ought to be resisted. He leaned toward seces-
sion as the means of resistance.

Mr. Badger, on the contrary, replying to Mr. Web-
ster in the senate, admitted that a state had no consti-
tutional right to secede from the Union, but claimed that,
in point of fact, the Union would be broken if the South
was driven to extremity. (2) The divergence of the views
of these two Whig leaders began a division in the Whig
party in North Carolina both on the constitutionality of
congressional exclusion of slavery from the territories
and on secession. (3) Badger's influence was preponderant,
however, though Clinch's strategic position as repre-
sentative of the Mountain District, a Whig stronghold,
soon proved a strong support to his secession in the senate.

During the settlement of the territorial question
by congressional measures, in 1850, North Carolina, in con-
nection with other Southern states received the invitation
of Mississippi to meet in a Southern convention at Wash-

(1) This correspondence is published in the Standard, Nov.
28, 1849. (2) Steele, W. J., Lives of Distinguished North

Carolinians, 200, et seq., has Badger's speech in full.
Cf. Congressional Globe 31st Congress 1st Sess. 319.

(3) Six Whig newspapers supported the views of Clinch and
were influential in bringing about the Democratic
victory in gubernatorial election of 1850. The remain-
ing still supported Senator Badger's views. See list as
compiled by Raleigh Star, Nov. 21, 1849, and Standard,
Nov. 21, 1849.

villie for the first time in the South. It was
that the National Convention held in London in 1840.
Though the convention was held, North Carolina
sent no delegates and took no official notice of its ex-
istence. Even the State Democratic Convention, the re-
sult of the convention, was held in 1840, and the
convention was held in 1840, and the convention was held in 1840.
which had attached to the National Convention was
held.

The Compromise Measures of 1850 were expected by
the Whig party to adjust the sectional differences over
slavery extension. This result, however, was not attain-
ed. The Southern Rights Association under the lead of
William L. Yancey of Alabama vehemently denounced the
measures, and the Democratic press was almost unanimous
in its reprobation. A large portion of the Northern peo-
ple were equally dissatisfied. The excitement attendant
upon the capture of runaway slaves enlarged the sectional
differences between the views of Northern and Southern
extremists. In North Carolina the Democratic party con-
sidered the admission of California as a free State as
a blow to the South. The Whig party considered the ad-
mission of California as a blow to the South. The Whig party
considered the admission of California as a blow to the South.
the Whig party considered the admission of California as a blow to the South.
territory where slavery is now prohibited.
and the Whig party considered the admission of California as a blow to the South.

(1) Cf. Standard, November 1, 1840.

(2) Hodgson, *Crucible of the Confederacy*, 189.

(3) Standard, Dec. 1, 1840.

to vote in all elections. This consideration gave the plan a popular impulse among the landless classes in both the east and the west.

Nevertheless, however, the majority of the opposition readily saw that slight benefit was to be derived from its operation by their section. What they saw was in the destruction of the property qualification would be lost when three-fifths of the value of the east were wanted in the assessment. Reid was a member of the party though his influence led away from the section in 1851, and went to the west. In 1851, the western leaders, in order to get the popular impulse to the section his plan of "free suffrage", now proposed a plan far more radical in scope than anything contemplated by the Democrats. They offered to abrogate both the freehold qualification and the federal basis and ^{to} substitute free white manhood suffrage in all elections.

The white basis plan did not meet the approval of the Whigs in the middle and western counties. Deriving power from federal representation, they were loath to give it up. This left the mountain counties, only, in support of the white basis proposal. Reid was elected in 1850 over the divided opposition and both branches of

(1)
the General Assembly became Democratic. The "free suffrage" plan was not passed, however, since a two-thirds vote was required for the constitution to change any of its features. The vote in the senate was 17 against. (2) In the house the majority for the constitution was 17 against.

(1) Report of the Committee on the Constitution, 1850.
(2) Raleigh Register, August 18, 1850.
(3) Raleigh Register, August 18, 1850.

... (1) ...
... (2) ...
... (3) ...
... (4) ...
... (5) ...
... (6) ...
... (7) ...

Several ...
... (1) ...
... (2) ...
... (3) ...
... (4) ...
... (5) ...
... (6) ...
... (7) ...
... (8) ...

(1) Whig Convention platform, Fayetteville Observer, Feb. 24, 1854. (2) This convention of seceders met at Hendersonville, for account see Fayetteville Observer, April 24, 1854. (3) Laws of North Carolina, 1855, 1857, 1858 & 1859. (4) Reid's. Letter Book, 14. See also the Assembly. (5) Raleigh Register, Jan. 1, 1851. (6) House and Senate Documents, 1850-1851 p. 245, 251. (7) Ibid 24. (8) Speech of A. W. Woodfin, Raleigh, 1854, Raleigh Register, 1854.

survive' rather than the proposed National Convention -
itation and endorsement for the Democratic victory in
the last state elections. (1)

At length, the resistance doctrine advocated by the gov-
ernor's friends, and the public opinion was so changed
that further resistance was no longer possible in
the Democratic measures.

The Clingman and Lodge faction of the Whig party
in North Carolina looked to the National Whig conven-
tion of 1852 to close their differences. The nomination
of President Fillmore would satisfy both, and was the only
condition upon which Clingman and other radical southern
Whigs would remain in the party. Fillmore had satisfied
the Southern Whigs by his attitude toward slavery and his
faithful execution of the fugitive slave law, and in con-
sequence had become distasteful to the northern extrem-
ists of his party. Therefore, when Fillmore's claims
were set aside and General Scott received the nomination
instead, Mr. Clingman considered it a triumph of the

Seward or anti-slavery faction and immediately severed
his connection with the party. (2)
The convention nominat-
ed William A. Graham of North Carolina for the vice-pres-
idency upon the ticket with General Scott, but they did
not cooperate the party in North Carolina for the loss
of Mr. Clingman and now supported Franklin Pierce, the
Democratic candidate. Graham was Secretary of the navy
in Fillmore's cabinet but gave close attention to North

(1) Representative Clingman had not yet definitely with-
drawn from the Whig party.
(2) Speeches and writings of T. L. Clingman, 301-302.

Carroll, William.

The Whigs of North Carolina, following the example of the national party, affirmed the finality of the Compromise Measures of 1850, thus leaving nothing apparently to choose between the parties on that score. In Congressional representation North Carolina was yet Whig. Both senators were Whigs, and six of the nine congressional districts had elected Whigs in 1851. These were the two extreme eastern and the four western. The Democrats held the three central strong slaveholding districts. This was the usual alignment, (1) and had practically been preserved since 1833. (2) Clingman's defection, however decided the result of the election in North Carolina. Five western counties which had hitherto been Whig, under Clingman's influence, now gave Democratic majorities, turning up the total majority for Pierce electors 690 votes. (3)

Disaffection in the mountain district was fatal to the state Whig organization. This district, more than any other, was free from the economic and social conditions which elsewhere produced a tendency toward particularism. It had long been looked upon as a stronghold of the Whig party. Conservatism was not abandoned in principle, yet it was evident that Clingman, for the time being, would control the district in the interest of the Democratic party. (4) Moreover, the national organization

(1) Messrs. George E. Butler and Willie L. Rogers.
 (2) See account of the Whig of N. C. by William L. Rogers.
 (3) Election returns, Standard, Nov. 17, 1852.
 (4) Cf. Fayetteville Observer Nov. 24, 1852.

12

... according to ... 1853 ... continued ...
... are lay in the North and the South ... in
the South. The ... continued to live in ...
Carolina ... to oppose particularistic doctrine until the
end of the decade.

The year 1853 was devoid of political interest in
North Carolina. It was a period of quiet, preceding the
beginning of the final legislative struggle in national
politics, over slavery. The people were not conscious,
however, that a new agitation was near and were quite un-
prepared for the developments of 1854.

The Kansas, Nebraska bill, introduced in the
United States Senate on Jan. 4, 1854, by Stephen A.
Douglas, became a law by the signature of President
Pierce, May 20, following. Its provisions provided that
"neither Congress nor any territorial government shall interfere
with the power of sovereignty to enter into and regulate slavery
in the territories." During the several months the
bill was pending in Congress the Southern ...
regularly situated. The ... being Democratic, the
... first ... disposed to oppose it on party

grounds as well as from a fear of renewed agitation
should existing compromises be disturbed. In North Caro-
lina the first ... (1) ...

(1) Raleigh Register, Feb. 1, 1854, said: "We confess
that we doubt the wisdom of disturbing the Missouri Com-
promise, which was acquiesced in by the South as the con-
dition of the admission of Missouri as a slave state-
though we believe any ... the ... and the

slavery ... the ...
... it will be ...
The bill ...
anti-slavery ...
... 61

11

... (1) ...
... it. ... Democratic ...
... returned ... , were Sen-
... public ... and an era of ... feeling was in-
... aurated. ... was elected governor. In the fall
Ex-Governor ... his place Mr. ... in the senate. (2)

With the exception of three congressional districts the
Democrat now had complete control in the state.

The South had hardly settled into a pleasant en-
joyment of the thought that the whole country had return-
ed to a sense of justice on the slavery question before
it began to be understood that the intense hostility
of northern Whigs to the act which repealed the Missouri
Compromise had nearly represented the sentiment of
the Northern ... the ... and ...
... attitude of Northern Democrats. ... July, it be-
gan to be bruited in North Carolina that the indignation
of the North was something more than a mere ebullition of
popular feeling. Fear was expressed that an issue had

been drawn, upon which there was great danger of North-
(3)
ern party factions uniting. August 20, the Standard
published the proceedings of the Anti-Slavery Convention
held at Saratoga, in which Horace Greeley declared war on
slavery, alleging that the South had broken its compact.

Already emigrant aid societies, supported by popular sub-
scription and backed by intense popular enthusiasm, were
preparing in the North to contest the soil of Kansas with
the slave-holder.

(1) Democratic Convention ... , ...
22, 1854. (2) ... , ...
... and retained it until 1855 when he was replaced
for E.D. Clinchman by re-election. (3) Standard, July 5,
1854.

the whole country. The whole country was in a fever of excitement over the first effects of the North-South question. The Whigs were in a state of confusion.

The Whigs of this long drawn out struggle were familiar to require a review in this connection. Its influence upon conditions in North Carolina was not essentially different from that upon southern border states. The Whigs were too far committed by their support of the Kansas-Nebraska Act to claim exemption from responsibility for its results. Both parties felt that its miscarriage was ^{due} to the breaking of a tacit agreement [^] (12) by the Northern people. The logical course for parties in the State would have been a coalescence under the influence of the Kansas contest. This was the tendency; but there were fundamental differences in the basis upon which the political life of the people was organized. The Whigs remained a distinct political party. The Whigs necessarily remained a very large number held different views upon the Democrats both upon the importance of slavery and upon the constitutionality of methods of redress when the institution was attacked.

The Presidential election of 1856 came in the midst of the Kansas excitement. North Carolinians were not without grave fears as to the probable results. In the North the Republican party had been organized upon the ruins of the Whig party. James C. Fremont was the candidate, upon a

Standard
(1) Sept. 20, 1854.

(2) Fayetteville Observer Sept. 17, 1854. It had been expected that Kansas would become a slave state without opposition from the North, and that the Free State movement would be the South.

political turmoil of the year. The Whigs were divided, however, by the impact of the overwhelming victory of the Republican ticket in twelve northern and northeastern states.

The American or Know-Nothing party served meanwhile as a ~~wh~~ shelter to the Whigs in the north who refused to enter the Republican party and to those in the south who refused to become Democrats. Fanned upon opposition to the influence of Catholics and foreign immigrants in American politics, this party had, in the north, a small following.

European immigrants did not find a large welcome in the American party. North Carolina received practically none at this date. Yet the American party found good political soil in the state, especially those entering it with the hope of preserving a national unity.

Chronicling the death of the State Whig party and the birth of the American in the same issue, the Democrat ic press warned the people to beware the "the dark lantern movement". (1) Nevertheless, the party rapidly developed strength. Early in 1855 district councils were held and candidates nominated for congress. In the succeeding election in August three congress men were elected by the Americans and 45% was polled of the total vote in every district carried by the Democrats. In 1856 John A.

(1) Standard, Sept. 25, 1854. The term "dark lantern" was in reference to the secret feature of the American party organization and to the practice of meeting at night.

(2) Official returns, Standard, Aug. 22, 1854. By the 1854 apportionment the state's representation was increased from nine to eight.

11.
philosophical outlook. Gilmer was the son of a prominent
family of the old district, and, in large part, he was
an avowed friend of the Friends, and even to
state societies of the "Quaker District". Like his peace-
ful constituents, Gilmer was thoroughly conservative, yet
he was an active and aggressive combatant of Democratic
particularism.

Notwithstanding Gilmer's active leadership, the en-
thusiasm which greeted the party on its entry into the
state had now begun to disappear. The novelty of secret
political organization soon wore off, and the people did
not feel that the principles upon which the party was found-
ed were vital. Minnie to the district leader was a diffic-
ulty difficult to remove. (2) In the election of 1857, carried
the state by a margin of 10,500 votes. The result was
proof to the Americans that their party could carry on -
and the struggle of the old Quaker organization. Consequently
the integration began. The Quakers were forced to an
original this organization to attempt to revive the
party. The Quakers of the Union to the party. (3)
The greatest practical hindrance to success in this under-
taking was the total disemergence of the Quaker organization
in the North.

The Quaker is a Quaker in North Carolina
which published President Buchanan's inaugural address in
March 1857, published also the decision of the United States

(3) This district was traditionally conservative. The
Quakers, while careful to not antagonize the laws under
which they lived, were anti-slavery in principle and practice.
They emancipated their own slaves at the earliest opportunity
practicable under the laws and colonized many of them in
Hayti. See Weeks, Stephen L. Southern Quakers and Slavery.

(1) Standard, April 29, 1935.

11

in 1850, and to the North's and to the South's to
statehood under the Reconstruction Constitution. (1) The Northern
Democrats in support of Lincoln were drawn from the
the Southern section of the party were attracted to res
ident.

Though Northcar like in some ways to some south
and state where the residents' policy, however
ation freedom the part of the Democrats of giving up
r. Lincoln and the hope of co-operation with his fellow-
ers. The decision of the party seemed to make a Rep-
ublican victory sure in 1860. Even radical Democrats re-
membered that the South, even if united, was in minority
in the Union and that protection could not be had without
the aid of northern statesmen and northern voters.

Should the division continue through President Buchanan's
term a crisis was expected to arrive with the next election (2)

Gubernatorial elections in North Carolina occurred
in the even years and congressional elections in the odd
years. In 1857 the Democrats were elected in every
congressional district save one - the quarter district,
which re-elected John A. Gilmer. Still the best known
leader in the State, Wm. W. Hunter, Governor, Sumner
and Graham, refused to enter the Democratic party which
they had opposed so long on fundamental differences of
principle. Thomas B. Clingman, however, was soon definite-
ly joined, with his power over the western counties which

(1) The Reconstruction Constitution was the Constitution of the
pre-slavery era in Kansas. The pre-slavery leaders refused
to add it the slavery clause to the voters, and thus
designed to defeat the principle of Senator Sumner's plan.
(2) It was, July 12, 1860.

which was the result of the fact that the party was not yet organized in North Carolina.

The party was not yet organized in North Carolina, and the result of the party was the fact that the party was not yet organized in North Carolina, and the result of the party was the fact that the party was not yet organized in North Carolina.

The personality of both Holden and Ellis received attention in this connection, not only because of the subsequent influence of each upon the Democratic policy in

North Carolina, but because even at this date they represented radically different elements within the party in the state. Ellis was decidedly aristocratic both by inheritance and training. (1) A typical English gentleman of the slave-owning class, he was a member of the University of Cambridge and a member of the House of Commons. After having received a good early training, he attended King's College in Virginia, where he spent several years. Later on he took his degree at the University of North Carolina. He read law for two years, and was admitted to the bar in 1842, at the age of 32 years. After serving several terms in the House of Commons, in 1848, he was elected a judge of the Superior Court and served the bench with ability until his nomination for governor in 1855. His relation to

(1) For the conclusions drawn from the results of this convention the author has relied upon the personal evidence of Mr. John A. Nichols of Raleigh, who was personally familiar with the course of state politics at the time.

(2) The author is indebted to Wheeler, J. P. Reminiscences, page 405 et seq. for facts relating to the early life of Governor Ellis.

The bills were about to be passed; but Holden's followers were not yet agreed.

Although Mr. Livermore still "made it necessary," in his annual address, January 1, 1868, to use specific allusion in his allusion of the "unhappy" condition of the Union, yet his attitude toward his inclusion in the Union to preserve intact the "unalienable" rights of the States as they were interpreted for the "exclusive" authority of the States. He said: "We are not prepared for the acknowledgment that we cannot enjoy all our constitutional rights in the Union. Should that day unfortunately come, but little doubt need be entertained that our people will act in best concert with their interests and honor and with the sacred memories of the past, to whatever the result may lead" (1). Prevailing public sentiment would not have sanctioned a stronger expression than this on the relation of the State to the Union. It was understood that unless some means were found to heal the strife among the Democratic leaders, there would be grave danger of party defeat in the approaching congressional election. The dissensions, begun by Holden's defeat at Charlotte, had been increased by the second defeat of the editor for the United States Senate. The General Assembly had elected T. M. Clingan for the short term, over Holden, while the long term was given to Ex-Governor Briggs who had before been Governor. The President of Holden, who was supported by the real Democratic portion of the party (2), very heavily produced the open break in the ranks.

(1) In the Annual Address, January 1, 1868, p. 10.
(2) In the Annual Address, January 1, 1868, p. 10.

the river to the congressional election in 1848. The result was an equal division of the eight congressional districts between the two parties. Besides electing four representatives, the new Whig party sent 17 votes to its Democratic opponents.⁽¹⁾

The conflict continued to the south of the river. The party, with principles as the old one, in North Carolina, was the source of slavery agitation in a different way. No rival party could hope for success while it was necessary to defend the principles of its Democratic opponent. Hence, John Brown's ^a radical attempt at Harper's Ferry, to Cooper, to force the issue of slavery, was a direct result of the party's development.

Brown's capture and death evoked strong and many expressions of sympathy in the north, especially in abolition circles. The South received such expressions of sympathy as a rebuke to the effort to suppress her institution. The following winter the Whigs were again blown into a vivid flame. Although in North Carolina the Whigs were calmer in their criticism of the incident than were the Democrats, yet the Whig party organ declared that the party would never submit to the election of Sumner as a national Representative. This was a radical step for the Whigs, as they had previously proved the party willing to yield. Yet, it is undoubtedly true that such a feeling of anger to slavery was almost universal in the north, and caused a decided break in the Republican front.

(1) Election returns, *Register*, Boston, August 24, 1848.
(2) *Whig*, Raleigh, Nov. 19, 1849.

Since the passage of the act of 1872, the
 Texas, no official recognition of the fact that the
 as to the larger's ferry incident and the fact that
 through the governor of the council. Governor Ellis, there
 of the Dallas Herald of 1872, 11 and 12 of December are
 placed in context of explanation in regard to the fact that
 of Virginia in 1862 and 1863, which led to the
 outbreak. The published statement: "The fact that the
 our country, and of the fact that the people have
 tranquillity in the Union, we will be content to leave
 to ourselves and our posterity to decide upon the future."
 (1)

The council advised the governor to encourage the
 tion of volunteer companies and to apply to the President
 for arms. The governor had already adopted this as his pol-
 icy. Two months before he had applied to Secretary of War,
 Floyd, to replenish the arsenal at Fayetteville with modern
 arms and the request had been complied with for months
 later. (2)

Ever from conservative quarters came the recom-
 mendation to prepare for war; to build powder factories and
 foundry for cannon; to renovate the military posts of the
 state by requiring each county to arm its youth and well
 equipped volunteer companies and to maintain an mil-
 itary officer as a militia leader. (3)

These suggestions were not adopted. The fact that the
 of the state was not in a position to do so, and the
 of the state was not in a position to do so, and the
 of the state was not in a position to do so, and the

(1) Resolution of the Council of 1872, to which is all-
 (2) Dallas Herald of 1872, 11 and 12 of December.
 (3) Dallas Herald of 1872, 11 and 12 of December.

(5) I 340. . . .

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The North Carolina Constitution, as remodelled in 1868, provided that slaves between the ages of twelve and fifty years should be subject only to a poll tax equal to that paid by white men; and those under twelve and over fifty should be exempted from taxation altogether. The North Carolina Society sent forth statistics to show that 17,744 slaves, worth in the market 118,000,000 dollars, went entirely untaxed; while those subject to taxation as between the ages of 12 to 50- 150,000 in number and valued at 119,000,000 dollars- paid into the state treasury 31,500,000 dollars, or fifty cents each, the amount of the poll tax. 31,500,000 dollars of money raised would pay, under the law, 75,000 dollars in taxes more than was paid by owners of slave property valued at 250,000,000 dollars. Thus the discrimination in favor of slave property was in a sevenfold ratio. 1000 dollars worth of land paid a tax of \$1.50. A negro worth \$1000 or even \$1200 yielded only 50 cents to the state treasury, while \$1000 invested in manufactures paid \$10.00. The statistics offered were trustworthy, having been sent by from the board, as the controller's, and the comptroller's reports.

For the correction of these inequalities the North Carolina Association proposed the following amendments to the constitution: Section 10. Slaves between the ages of twelve and fifty years shall be subject only to a poll tax equal to that paid by white men; and those under twelve and over fifty shall be exempted from taxation altogether. Section 11. Slaves between the ages of twelve and fifty years shall be subject only to a poll tax equal to that paid by white men; and those under twelve and over fifty shall be exempted from taxation altogether.

Union or the Democratic party.

after the election possessed no feature unusual to a presidential contest beyond a strained expectancy and a dread of the effects of the result in less conservative quarters of the Union. The conviction undoubtedly prevailed that the necessity for preserving the Union overbalanced the evils to be apprehended from the powers of a president elected on sectional lines. ⁽¹⁾ They must defend their institutions from encroachments; but, at the same time, they felt they must not injure a cause capable of the best defences, and admitted to be in peril, by taking counsel of passion rather than wisdom. They preferred to await the action of the new president, and to make resistance to acts only if they should demand it.

(1) Cf. Letter of Wm. A. Graham, Standard, Nov. 14, 1860.

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Chapter 5.

The theory of the construction of the Union, stated as a political doctrine, was first developed, at different times, and more or less, in the minds of the statesmen of the time. The first noteworthy expression of this theory was in the Virginia and Kentucky Resolutions of 1798 and 1799, passed as remonstrances against the Alien and Sedition Acts. Its second, and more serious expression was the Hartford convention held by several of the New England states in 1814 for the purpose of redressing their grievances ~~arising~~ out of the war of 1812. The Southern States learned early the necessity of a strict construction of the Constitution, both for economic and institutional protection. Strict construction naturally allied itself with the compact theory from which it derived its constitutional right. The state rights doctrine, passing through several stages of development, appeared in its most thorough and consistent form in 1861.

Though the right of secession was exercised by only a few states, the doctrine of protection of slavery, and interests of the border states, and the nation states were all substantially with regard to slavery and equally strong in demanding secession. With regard to the slaveholding interest, there were divergencies in the border state themselves.

Virginia, North Carolina, Kentucky and Tennessee each, though slaveholding in their larger and more fertile sections, contained large mountainous areas in which slave labor as a system had never taken root and probably never would have taken root.

This mountain country with its heterogeneous population all largely contiguous, formed up the western portions of Virginia and North Carolina and the ~~eastern~~ eastern portions of Kentucky and Tennessee. This section, only indirectly influenced by slavery, had developed the particularistic method of constitutional interpretation common to the slaveholding sections of these four states and to the lower south.

In North Carolina the western non-slaveholding section was the basis of the Whig party. It was a party not developed, gathering to its support all the non-slaveholders in the east who were not dependent upon the slave interest but others also from the ranks of the slaveholders sufficient to make it the dominant party in the State for the fifteen years between 1840 and 1850 when slavery agitation was in abeyance. Driven from power by the agitation over the Dred Scott decision of 1857, the party disappeared in 1860 with its national prototype. In the early fifties there was a knowledge of the fact

Spirit lived on through the people and was ready in 1860 to give itself to the particularistic tendencies of the Democratic Party.

By the 1st of November, 1860, it was definitely known throughout the country that Mr. Lincoln had been elected president. It was greeted by the rest ⁽¹⁾ a spirit of acceptance and acquiescence in it seemed widespread in North Carolina. The appellation, "submissionist", applied in some Democratic quarters, ⁽²⁾ had no power of arousing resentment in any large class of the people. William W. Holden had not to announce a policy for the Democratic Party, though there was much evidence that Governor Ellis' faction would not long tolerate his dictation. ⁽³⁾ "Let us watch and wait," he said, "North Carolina will never permit Mr. Lincoln or his Party to touch the institution of slavery. Her people are a unit on this point. They may not advise or approve secession, but they will not submit to indignities or encroachments." ⁽⁴⁾ Business men were advised to stand firm and be prepared to resist the threatened panic. Recovery was insisted upon. The people were especially warned against a

(1) Raleigh Register, Nov. 14, 1860, Greensboro Patriot, Nov. 15, 1860, Carolina Watchman, Nov. 12, 1860, Fayetteville Observer, Nov. 12, 1860, Wilmington Herald, Nov. 12, 1860.

(2) Wilmington Herald, Nov. 12, 1860.

(3) Ibid., Nov. 15, 1860, Nov. 16, 1860.

(4) Standard, Nov. 7, 1860.

(1)

public in the Department. The law of secession
has developed the law in a different direction.

The issue of secession and federal authority in
South Carolina. During the agitation over slavery in
the past decade, though it was still held by the ma-
jority as an evil affecting their Southern neighbors
(2)
rather than themselves. But now since an accurate
observation of the politics of South Carolina had,
after the election, brought secession as an issue
closer, the two theories as to the nature of the
United States Government were drawn out in sharper
contrast than had ever before occurred. William A.
Graham and George E. Balcer, the most prominent rep-
resentatives of the old Whig tradition in the state,
had always held to the original theory of the Con-
stitution as a compromise, that revolution was the
only means for redress of grievances. Mr. Graham
now said: "A state cannot secede, and the necessity
for revolution does not yet exist. The revolu-
tion (if by whatever name it be called, this is its
effect) should have been made earlier, or must be
made now later. We can prepare a declaration

(1) Ibid, Nov. 10, 1860. Fayetteville Observer,
Dec. 3, 1860.

(2) Standard, Nov. 14, 1860, letter from Mr. Graham.

of laws which, in order to be valid, must be passed by a
majority of the whole, and that the
the laws which are passed by a majority of the whole
are valid, and that the laws which are passed by a
majority of the whole, are valid, and that the laws which
are passed by a majority of the whole, are valid. (1)

Grady's position was that of a national rather than
a sectional statesman, and though his views were not
of harmony with the tendencies of the South as a
whole, they commanded the support of a very large por-
tion of the people of his own State. The old Whig
press championed the same view and invited argument
in retaliation. (2)

The Democrats seemed to be admit-
ting the meeting of the legislature and of some
authoritative expression from Governor Ellis before
taking a decided course.

The North Carolina General Assembly, elected
in August, met in regular session on November 1,
1860. The Senate was composed of thirty-two Dem-
ocrats and eleven Whigs, a gain of nine by the Whigs
over their number in the last Senate. In the House

-
- (1) Standard, Nov. 15, 1860. Letter from Mr. Grady.
(2) A State against Secession. It may be asked:
What is a State to do in the event of Congress pass-
ing laws oppressive and intolerable to her citizens?
The answer is that she must resort to revolu-
tion. The right of revolution is one inherent in
every people, in every form of government; but at the
same time it is a right to which no people will
resort unless the grievances to be redressed are more
barbarous and intolerable than would be those which
could flow from a revolution." Greensboro Patriot,
Nov. 15, 1860.

of Commons were thirty-five Democrats and fifty-five
(1)
Whigs, a gain of eight for the latter. Organization
was effected by the election of Eastern Democrats
as resident of the Senate and Whigs of the
House respectively. Henry T. Clarke, in assuming

his office as resident of the Senate made a conserva-
tive address in which he pointed out the serious-
ness of the political situation and the necessity of
action with honesty in interpretation "the will of the
people."
(2)
The legislature passed thirty-one bills

of the importance of the year 1860. The next day Gov-
ernor Ellis sent it his message.
(3)

He made four dis-
tinct recommendations in the subject of Federal re-
lations: 1. a conference of the Southern States; 2. a
convention of the people; 3. the arming and equip-
ping of the State; 4. resistance to Federal coercion.

The plan of the Governor as set forth in the document
was: That the Assembly should dispatch delegates at
once to a Southern conference and issue at the same
time a call for a state convention to meet after the
conference had done its work.

(1) The popular branch of the North Carolina General
Assembly was called the House of Commons until the
Constitutional Convention of 1860.

(2) Report of H. T. Clarke's speech to the Senate, Ra-
leigh Register, Nov. 21, 1860.

(3) A full report of the Governor's message may be
found in all State papers of the time. See Raleigh
Register, Nov. 21, 1860.



gave the Whigs no headlines. Southern national affairs take such a course as to unite the two sections of the State. Yesterday the Whigs will be in a clear minority. December 6, a memorial of racial equality was presented from the Southern Rights Association of Johnston county. By design this memorial was from the western portion of the state and was presented by a western Democrat. It was a memorial to the Legislature to their claim that the stand for the state rights doctrine was not purely that of eastern slaveholders.

(2)

The wandering birds of eastern and western sectionalism were so far from being told that a new state rights paper tactfully declared in its second issue that it would eschew all sectional considerations and work for the entire state and her common interests.

(3)

A joint committee on federal relations brought in a majority and a minority report to the two

houses December 15. The majority report advis-

(1) Jonathan Worth, a Whig member from the maker district, wrote his constituent early in December that the majority of the Democrats were for the preservation of the Union, but that they would sooner or later go with the rebel leaders; that to him and the Assembly was, for the fault, the most unattractive idea that was suggested in North Carolina since the Revolution. This letter, written to F. J. Johnson, is in the possession of Mr. Moffit, Raleigh, N. C.

(2) State Journal, Dec. 15, 1861.

(3) Id., Dec. 5, 1861.

of the 1860 State Convention. The invitation of
 delegates to the other Southern States with a view to
 securing united action. (1)
 The meeting opened not
 without some discussion of the political situation,
 (2)
 and the moderate. The Unionist and con-
 servative elements met together in support of the
 Union. A list of the delegates to the Convention
 was continued until adjournment
 for the Christmas recess, Dec. 22, two days after the
 secession of South Carolina. Whether the Convention
 would be called seemed to be in doubt. A majority
 of the legislators showed no disposition to run head
 on the wishes of the people.

The division which defined itself among the
 Democrats in the General Assembly on reception of
 the Governor's message, had rapidly taken form through-
 out the State. Mr. Holden, who had formerly divided
 honors with the Governor in the leadership of the party
 now set himself in the forefront of the conservatives
 and with his accustomed editorial energy and ability
 began the fight in the columns of the Standard against
 state rights as interpreted by Governor Ellis and the

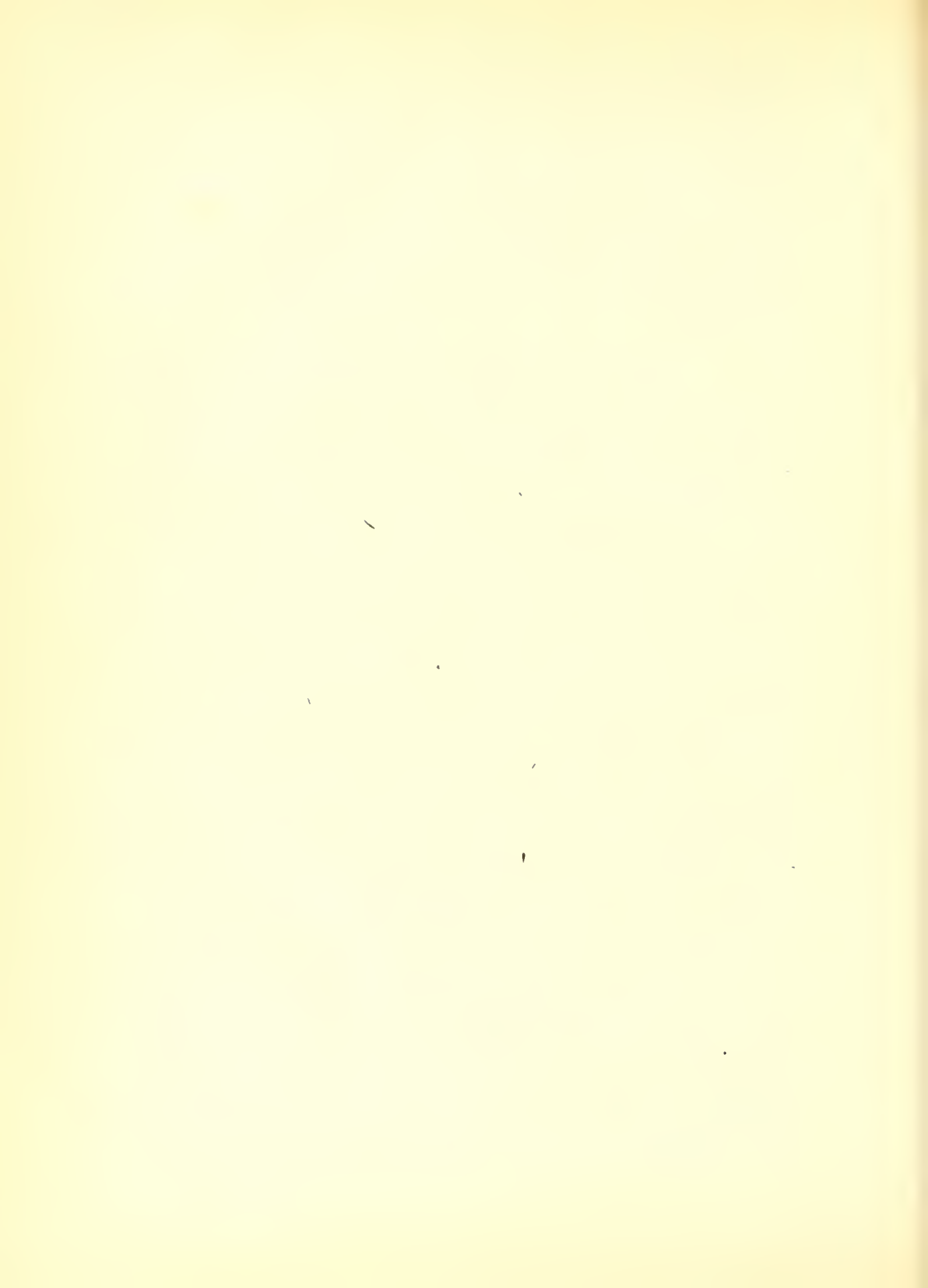
(1) Senate and House Journals, Dec. 12, 1860.

(2) Ibid, Dec. 12, 1860.

radicals. Only one name among Democratic leaders, Ex-Senator Frederick Brown, was elected to the General Assembly, along with Mr. Holden. Nevertheless, the conservative Democrats held the balance of power between the Whigs and the radicals and Mr. Holden received the support of both Whigs and conservatives.

Mr. Holden charged the governor with the purpose of dissolving the Union out of hand at the instance of the William L. Yancey school of Southern politicians, and in defiance of the will of the people. (1) The radicals replied by reading him out of their party ranks and repudiating the services of his father, a procedure to which he took no objection and one from which he derived benefit to his claim that his prosecution was due to his support of the Constitutional Union. Enjoying now a freedom of action the exercise of which had hitherto constantly created divisions among his former party associates, Mr. Holden attacked the radicals as enemies to the State and nation. His opposition was heavily felt by his opponents. A new state rights party organ was set up whose first months of existence were devoted almost wholly to the defense of the governor and the radicals against the onslaughts of Mr. Holden.

(1) Standard, Nov. 22, 1860.



(1)

any sort of accommodation was impossible on the part of the radicals. Mr. Holden had never been a democrat, and he was, except initially, identical with the slaveholding regime.

The first collectively secessionist meeting held in North Carolina was a town meeting held in Wilmington Court-House November 1., 1860, the date upon which the General Assembly met in Raleigh.

Resolutions passed by it, despairing of the Union, demanded a state convention, and advised the reassertion of the states' sovereignty. A corps of militia was unanimously voted and preparation made to arm and

(3)

equip it. A number of eastern and a few western

(4)

counties, following the example of Wilmington, held similar meetings in the last days of November and in

(1) Cf. State Journals Nov. 25, 1860, Dec. 5 1860, Dec. 12, 1860, et seq.

(2) The Whigs held that the relation of W. F. Holden to the radical Democrats illustrated the imprimitive, intolerant, and aristocratic character of that party; that the elite aspired to an office of distinction in the party and the party resented its leadership by requesting him to leave it; that the office-seekers in the party which he had done more than any other man, or the men, to build up, were more successful, were not for a mechanic. Fayetteville Observer, Dec. 3, 1860. This was in reference to Mr. Holden's Whiggish attitude and his ambition for the governorship in 1861 and 1862, and is entirely inaccurate.

(3) Wilmington Daily Journal, Nov. 25, 1860.

(4) State Jour. Extra, Dec. 12, 1860, is given over entirely to reports of these disunion meetings. The four western counties which held meetings of this type that early were Beaufort, Gaston, Lincoln and Rowan, all cotton counties.

Deceitful. The Union party leaders in this respect
were equally dishonest. That Mr. Breckinridge had been
the Union candidate was a fact which was contin-
ent upon his defeat. The conservative Democrats, who
with the Whigs were originally in the Union constitu-
tional unionist, believed that he was a Union over-
stake; that Mr. Breckinridge was the Union par-
tisan, that at least sixty-four Union votes in the
State had been received; and further, that Mr.
Breckinridge's utterances had not reached in rad-
icalism the sentiments contained in Governor Ellis'
Message then he would have received in North Carolina
not even the united support of the present fire-eaters.

(1)

Though the State gave Mr. Breckinridge an absolute
majority of her votes, the fact that now a very large
section of the Democrats who voted for him were con-
stitutional unionists, sufficiently refuted the argu-
ment that he had been accepted by the party as the
Union candidate. Since also the Whigs were a unit in
their opposition to secession the radical Democrats,
in the last months of 1860 were small though a very
active minority. The radical leaders were thorough-
ly conservative in their views and were initially
out. Thomas W. Clinger had introduced in the floor
of the United States Senate that the South should not

(1) Standard, Dec. 5, 1860.

with the great body of the people of the State. (1)

tion. Governor Ellis, in his message of this
 view in North Carolina that the Union, though he had
 not been removed from his Legislature to his liking.
 Yet it was easily discernible that external events would
 be the allies of the radicals. That South Carolina
 would secede before the end of the year was generally
 understood. Her convention had been called to meet
 on Dec. 17; both her senators had resigned in November;
 and her Federal district court had ceased its functions.

Governor East forwarded to Governor Ellis the resolu-
 tion of his legislature setting aside the twenty-first
 of December as a day of fasting and prayer, and invited
 North Carolina to similar action. (2) The radicals

asserted that secession was only a matter of time and
 that the present opportunity must not be lost. (3)

The unionists were not inactive, though they
 had a less clearly defined policy than the radicals.
 A constitutional union meeting was held in Raleigh, Nov-
 ember 30, and was largely attended by old line Whigs,
 by Know-Nothings, and by conservative Democrats. W. W.
 Holden presented the resolution of recreating disunion,
 and Zebulon B. Vance made the chief address. Ad-

 (1) Congressional Globe, 36th Congress, 4.
 (2) Ellis, 13. Letter Book, 879.
 (3) Raleigh Daily Journal, Dec. 5, 1860.

(1)
... Mr. Vance argued the
... of war resulting from the ...
... the Union. He believed
that the ... liberty ... the north-
ern states would be revealed if Southern legislatures
enacted retaliation by Southern ...
(2)
the South. County Union meetings were held through-
out the State during December, all ... a deter-
mination to remain in the Union.

On the ... of December the ...-night
... of ... issued their ...
... address to their constituents in which they
expressed the belief that ... in the
Union, through ... congressional legislation,
or constitutional amendment was ...
... that the welfare of the Southern people re-
quired the organization of a Southern confederacy, a
result to be attained only through separate secession
of the states. Two representatives from North Car-
olina signed the address, Barton Craige of the 7th and
Thomas Ruffin of the 2nd congressional districts.

- (1) ... the only ... state ... at
... secession to be a ...
(2) Raleigh Register, Dec. 5, 1860, has a full report
of Vance's speech.

It was understood that Senator Clingman was to be accompanied by Winthrop D. Boyce, an ex-Secretary of the State of Mississippi. (1)

At the time of the meeting, the two men were accompanied by a large number of other persons, and the meeting was a very successful one. The object of the mission, as communicated by Governor Ellis to the General Assembly, was an interchange of opinions on federal relations. (2)

North Carolina, on December 10, received the delegation from Alabama, the object of whose mission, as communicated by Governor Ellis to the General Assembly, was an interchange of opinions on federal relations. (3)

A more important commissioner was Jacob Thompson, sent by Mississippi. Though still a member of President Buchanan's cabinet, Mr. Thompson came to North Carolina with the avowed object of using his influence toward inducing the state to secede. (4) His mission for which he was chosen to go was better fitted because he was a native and former resident of the state and had many personal friends among the leaders. His letter of credence to Governor Ellis of Mississippi stated that North Carolina would cooperate with her in the question of official relations and the common defense and safety of the South. There

(1) Standard, Dec. 1860.

(2) Ellis, Letter Book, 354.

(3) Writing and speeches of the Hon. W. D. Boyce, 526. Clingman stated that Secretary Thompson told

in the middle of December that the object of his visit was to induce North Carolina to secede. Cf. von Holst, Constitutional History of the United States 1859-1861, 307. (Over note 4)



policy. Mr. Vance, this representative of the South from the Senate in 1860-61, wrote to a member of the General Assembly January 7, 1861, regarding a convention. "I do not reserve", he said, "any right of a convention as a proper resort, but the convention itself is a lightning-bolt of war."

Firm, temperate, and decided action may save the rights of the State and the Union as well. Non-action will precipitate us into dishonor. A convention, while respecting terms of the northern people, can also make our voices heard among the southern states whose course is rapidly inculcating the people with dogmas which we cannot approve. (1) Meanwhile, the members of the General Assembly reassembled January 7, after two week's stay among their constituents. It was immediately apparent that their conservatism had undergone no diminution, but that they had become impressed with the fact that besides the radicals wished a convention. (2) ^

(3)
The convention bill, authorizing the election of one hundred delegates to be elected on the basis of federal population in the State, passed both Houses January 24.

(1) Letter of J. M. Vance to G. W. Pickens, Raleigh Register, Jan. 17, 1861.

(2) Proceedings of the Legislature, 30th Session, Raleigh Register, Jan. 10 and 18, 1861.

(3) Senate Journal, 1860-1861, 200. House Journal, 1860-1861, 374. The vote in the Senate was 39 for and 2 against the bill; in the House, 38 for and 27 against.

No 11

it would not be proper to have a convention
in all exposed localities. It is against the con-
stitution. If a majority should vote for a con-
vention, when the governor is authorized to
the delegates to be elected; if a majority should
vote against it, then the delegates should not
be elected. The next election should be
held by the governor of the state of the con-
vention in case a majority were called. Feb-
ruary 2nd was chosen by the convention. The
next Carolina was elected. The next day. It
was difficult to determine what would be brought there
in.

An event which had a perceptible effect in
the taking of the convention bill was the seizure of the
United States forts, Caswell and Johnson. Early in
January a report spread at the South that the ad-
ministration at Washington purpose to garrison all
southern forts; that troops were already on the way
thither. (1) Forts Caswell and Johnson commanded the
mouth of the Cape Fear River below Wilmington.
Consequently, great excitement was produced in that
town at the supposed purpose of the government. On
the 9th of January a number of citizens, with the
aid of the local militia acting without orders, re-
sisted the entrance of the federal troops. (2) This
report came to the origin in Georgia, where
in an almost telegraphic manner the news from
Washington. The rebellion, which broke out in Georgia,
22d. The report was a general one, and it was
on the coast of the state of Georgia on the 12th of January.

... moved down the river and ... captured the small
... in Fort Johnston, Captain Thurston of the
militia taking command. Fort Johnston contained no
(1)

... reason. Two days later Governor Ellis directed
the Third Brigade of Cavalry to require Thurston to
(2)
withdraw the State troops. This was done on the

16th. Governor Ellis then wrote immediately to
President Buchanan stating the facts of the out-
break and requesting a pledge that the forts should
not be garrisoned during the present administration.
He informed the president that the public mind was
still excited and if such assurances were not fur-
nished him he would not answer for the consequences.
(3)

Mr. Holt, Secretary of War, ad interim, replied to
Governor Ellis assuring him that it was not the pur-
pose of the administration to garrison the forts at
present; that the president trusted their safety to
the law-abiding sentiments of the citizens of North
(4)

Carolina. The governor at the request of the House
of Commons laid the correspondence before the Assem-
bly on the 17th, and the incident was closed. The
State felt assured that the Buchanan administration
would make no hostile move. Fort Macon in Beaufort

(1) For an account of the seizure of the forts see
Wilmington Daily Journal, Jan. 9, 1861.

(2) Ellis MS. Letter book, 329.

(3) Ibid, 335.

(4) Ibid, 336.

harbor and the Federal Arsenal at Fayetteville remained undisturbed until Mr. Lincoln's call for troops in April.

Though nothing in the course of the convention could be termed to account for either party in the secession question, the convention's supporters were greatly increased and strengthened by the progress of events in the cotton states and by the action of some of the northern states. Mississippi had seceded on the 9th of January; Florida on the 10th; Alabama on the 11th; Georgia on the 19th; Louisiana on the 26th; and Texas on the 1st of February. New York and Ohio passed resolutions which defined the attitude of South Carolina as "treasonable" and "insurgent" and offered troops to the President for the purpose of her coercion. These resolutions, with requests to lay before the legislatures, were transmitted to the executives of the other states. Reaching North Carolina during the convention session they served no purpose other than to irritate. With a short and caustic comment, Governor Ellis laid them before the General Assembly. (1)

In the session of the convention the secessionists first used the term, "state rights," to designate their party, maintaining that the rights and

(1) Ellis MS. Letter Book, Vol. 1, 300.

extreme and the Union Party were in agreement on the point of the unconstitutionality of secession, but probably none would have admitted to the passage of troops across the state. Certainly no leader expressed himself. Their conception of the government would have reached its natural objective, revolution, before suffering such disregard of the will of the state.

The people, fully instructed by press, pulpit, and politicians, proceeded to election on the 12th of February. When the result was known the leaders were surprised. The convention had been defeated by a small majority, (1) while eighty-five union and thirty-five secession candidates had been elected. (2)

The surprise lay in the defeat of the convention.

(1) Ellis's Letter Book, 392, Official note, Feb. 2, 1861, No convention- 46,605
 convention- 46,408

Majority against convention 194
 Davis county was thrown out on account of some irregularity in the returns. With this vote counted as returned the majority against the convention was 351.
 (2) This was the division made by the Raleigh Register, unionist. The Wilmington Daily Journal, March 13, 1861, Taking account of differences on the theory of the Constitution, gave the delegates as follows: Southern Rights, 46, conditional submissionists 42, submissionists 52.

All the union leaders who consented to the convention
after the passage of the convention bill, one many of
them were candidates. All the independent union
leaders, (1) the old union, the new union, the
Yea, the Nolo, the trust, the union, the
reform of the bill. They had done this, too, though
even to the south of North Carolina's border as out
of the Union was a member of the Southern Conspiracy.

The state right party accepted with all grace
the results of this contest. The charge was freely
made that foul play had been used by the unionists;
that the old know-nothing party lines had been drawn
in secret and the convention, regarded as a Democrat-
ic measure, ^{had been} (2) slyly killed. This was mainly party
chagrin. The real cause of the defeat of the con-
vention lay in the fear of the people as to what it
might do. There had been no lack of definiteness as
to the intention of the state rights party in the
event that it elected a majority of the delegates
and the proposition for a convention was carried.

Its candidates and press repeatedly stated that the
issue at the polls was not a union. (3) Though

a large number of people were opposed to the

(1) The Greensboro Patriot, March 1, 1901.
convention.

(2) State Journal, March 1, 1901.

(3) Greensboro Patriot, March 1, 1901.
State Journal, March 1, 1901.

fulfillment
of the Union, and the Union itself, and the
Union itself, and the Union itself, and the Union
itself. The Union itself, however, however,
convention to deal with the Union itself, however,
them in the Union, and the Union itself, however,
the Union; therefore, an interpretation of the union
movement at this time must be based on the election
of the eighty-five union as against the thirty-five
disunion delegates rather than on the small majority
(1)
against the convention.

Immediately after the election an incident
occurred in Raleigh, growing out of the election re-
sults, which, though within itself of minor signifi-
cance, caused an acrimonious discussion between the
union and state rights newspapers and left men's
minds in a heated and irritated condition. The
unionists in Wake county elected their delegates,
Wm. W. Barger, DuBois, and John B. Barger.
To celebrate their victory a large and
enthusiastic torch-light-procession was held in
the capital. This procession in passing the gover-
nor's mansion halted and gave vent to groans, resuma-

(1) Zeigler Brown testified before the Reconstruc-
tion Joint Committee of Congress, Mar. 23, 1866, that
the vote for union delegates in this election was in
the ratio of 3 to 1 against disunion, report of Com-
mittees, 1st Session 39th Cong. vol. 11, 333.

by in a prosecution of the Governor's radical activity in the cause of secession. The State right party organ magnified the incident into a serious indignity put upon Governor Ellis because of his righteous effort in behalf of the Southern cause. (1) A few fight between citizens who held different political views increased the tension between the parties and led the editor of the State Journal to dub the month succeeding the election, ~~the~~ "Reign of Terror". (2) There is no evidence, however, that the demonstration in front of the Governor's residence was a studied indignity. It seems to have been the impulse of a moment aroused by tumultuous expression. As to the month succeeding the so-called "Reign of Terror", it was indicative of the temper of the Unionists not to yield anything of their moral or material victory over the secessionists.

While the canvass for the convention for the convention was in progress in North Carolina the Peace Conference met in Washington to seek a method of averting the danger that threatened the country. Organization was effected February 4, by the choice of John Tyler of Virginia as president. North Carolina's General Assembly met on January 20, two commissions, one of five members to the Peace Con-

(1) State Journal, March 2, 1861.

(2) Id., April 1, 1861.

14

...remained, and when he held to the Southern
Convention at Montgomery which closed on February
4, and a few days later formed the provisional gov-
ernment of the seceded states. The resolutions of
the convention were identical in substance with the ex-
ception of the order of succession as an emergency.
The declaration of the independence of the Confederate States
"the collection of honor and creditable judgment
of all the difficulties that disturbed the country,
upon the basis of the Crittenden resolutions, as
(1)
modified by the Legislature of Virginia".

The commission to the Peace Conference was
composed of three Democrats and two Whigs. The
latter were, Ex-Chief Justice Thomas Ruffin and Ex-
Governor James M. Morehead. Of the three Democrats
only Ex-Governor Reid was prominent in state pol-
itics. The two Whig members entered the confer-
ence with a strong desire for harmony and for an ad-
justment whereby the Union might be saved, and for
(2)
this end were prepared to compromise.

Seven articles were finally adopted for the
signature of the twenty-one states represented in the
conference. These were to be presented to Congress
with the hope of their being adopted and submitted
and invitation to the states for their ratification as
amendments to the constitution. Only two of the

(1)

(2) Caroline Watson, March 1, 1861, the results of
the meeting in 1861. Ruffin and Morehead were
the only ones.

Mr. Reid satisfied the Democratic majority of the North Carolina Convention and received the vote of the State. He was sent the trip in the North. The Union League and friends of Congress to interfere with slavery where it already existed, or in the territories where it was recognized, and prohibited forever the foreign slave trade and the coastwise trade in the District of Columbia. The Union League of the fugitive slave law and the right of arrest by the Federal government in cases where slaves were rescued from the hands of the Federal marshals. Since the proposed state convention could not finally agree, Messrs. Kuffner and Forehand failed to give the vote of the State to the articles as a whole; but the Democratic majority, considering the five articles a surrender of southern rights, refused.

(1)
The Democratic members of the convention had never been sanguine of any good resulting from the Conference.

During his absence in Washington, Mr. Reid, was named by his native county, Rockingham, as one of its candidates for the proposed state convention. His letter of acceptance was used for campaign purposes of the state rights party. It expressed a lack of confidence in any satisfactory results

(1) Ellis S. Letter Book, 1861, 3, reports of the Convention to the Governor.

(2) Col. William Reid to his constituents, Wilmington Mail Journal, Feb. 2, 1861.

issuing the conference of 1861. He was a member
of the committee on the subject of its efforts. Al-
though that a century after its passage at the
North he pointed out that it was the way to control
the actions of the political community, it was
to be controlled; and therefore, that the interests of
the North Carolina had also been secured.

(1)
States. Senator Clingman and Briggs also wrote on
February 12, that the North Carolina had been ex-
cluded from the Peace Conference. Mr. Clingman stated
to the people that it was the determination of the Re-
publican party to subjugate the South, and, finally,
to abolish slavery in the states even at the risk of
civil war. He advised resistance, holding out the
hope that, with North Carolina and Virginia with the
seceded states, the North would hesitate to make war.

(2)
The Peace Conference adjourned February 24.

Its plan, adopted by so narrow a margin, went to Con-
gress without a compelling moral force. The rad-
icals of neither North nor South were pleased.

Minority Report of the Committee on the
states whose votes were cast for it, and the

(3)
assailants of its provisions. The conference

(1) Considered and adopted, 1861, 1861, 1861,
Washington Daily Journal, Feb. 12, 1861.

(2) Letters of Clingman and Briggs, 1861, 1861,
Feb. 12, 1861, Feb. 27, 1861.

(3) Clingman, Decision and Proceedings of the
Peace Conference, 4th ed. 1861. Cf. J. S. Johnson's Hist.
of the United States, vol. 1.

...the ... the ...
... (1) ... severe
... to the ... in North Carolina.

(1)
From ... they ... (2)
... (3)

... they ... (4)

... a chart by which ...
... the ...

The failure of the Peace plan was a stimulus
to the ... party to the ... that
it was ... the ... Lincoln's address

was interpreted as ... (4)
future security. The Commissioners to Montgomery,

occupying seats on the floor of the congress, had

(1) Samuel Hall, Georgia's commissioner to North Carolina, reporting to the Georgia Convention on the results of his visit to North Carolina Feb. 11, 1861, stated that he had entertained by a large number of North Carolina citizens that the Peace Conference would be able to ... the sectional differences between the State's ... cooperation with the Southern Confederacy. Journal of the Georgia Convention, 1861.

(2) James M. Foreman wrote on March 1, that the ... letter in Raleigh Register, March 3, 1861. Representative Gilmer informed his constituents that Congress would doubtless adopt the Peace plan. Letter of Gilmer, Standard, March 1, 1861.

(3) Raleigh Register, March 13, 1861. ... March 13, 1861.

(4) State Journal, March 10, 1861.

...the ... of the ...
...the ... of the ... The
... " ... of the ...
... " ... of the ...
(1)
... the ... of the ...
... the ... of the ...

The Wilmington Daily Journal of March 4,
expressed a plan of action which became at once the
policy of the state right party. This plan con-
templated another state convention. For its call
an extra session of the Assembly would be necessary.
The governor, though well known to be favorable, was
not likely to call the Assembly together for such a pur-
pose so soon after the late defeat unless there was
a strong demand for such action. The Journal's plan
was to give this demand an effective form. Delegates
who had been elected to the secession convention were
invited to elect an advisory body of citizens,
which, if not a legally organized body, would at
least be composed of gentlemen locally chosen,

(1) The Wilmington Daily Journal of March 11, 1861,
said: "Let North Carolina not wait irresolute until
it is too late to be kicked out of the Union,
as has been sometimes sneeringly said of her. It
took two trials to get her into the Union, and such
talk and explanation. This shows that no action
taken in changing times can possibly be regarded as
irrevocable. It may take two trials to get her
into the Southern Union. What then? Shall we not
make them?"

remains, the session of the General Assembly was held in the
legislative hall, with the same arrangement
as a regular session of the General Assembly.
About twenty-five delegates were present during
the two day session. Many of those present were not
elected as there were no delegates from (1) some
near-by counties were not present, for they had no rail;
some by mistake, and about half by from one to three
delegates. (2) Most of the twenty-five delegates were
from the counties of the General Assembly, the majority were selected
coinciding roughly with the day-old delegates from the
State. From the General Assembly the delegates
expressed the resolution. Holding strong state rights
views, the delegates were not friends of Governor Ellis,
Mr. Orange's attendance at Goldsboro gave the conven-
tion official recognition and endorsement. The
body organized March 22 by the choice of Vellon W.

Harvards as chairman. The first period of the session
was given over to a speech from Franklin J. Moses, (3)

(1) In Wilmington a number of new delegates were elected
March 20. The proceedings were less regular in
other places. Wilmington Daily Journal, March 21,
1861.

(2) The State Journal, March 24, 1861, contains a
list of the delegations and a full report of the pro-
ceedings of this convention.

(3) Moses' speech is published in the Wilmington
Daily Journal March 24, 1861. This speech, viewed
from a calmer distance, seemed to be a very
wise and judicious. He addressed his remarks to
"Southern Citizens", saying that it was not in
view of the fact that he was in the Southern
Confederacy.

...the ... of ... (1-
... the ... affinity between North Carolina and
the ... states ... of ... of the
... which ... than in the ... Union
... which ... would grow constantly worse; that
... spirit, peace, and fraternal feeling awaits them
in the arms of the Southern Union.

The important work of the convention ...
... in its favorable action on a set of resolutions
brought in on the second day by a committee under Mr.
... These resolutions ... to
taken on the convention ...
... of the people; that subsequent events
had brought many into a readiness for reconsideration
of the state's relations to the Union. Therefore,
it was recommended that an organization should be formed
whose object should be the dissemination of the
facts and the presentation of the arguments bearing
upon the issue to the people of every county, in the
belief that when this information was in the minds of
the people they would demand of the governor and the
Assembly an opportunity to express their wishes at
the ballot-box. In accordance with the resolutions,
two ²/₁ were appointed in each congressional district
to make up an executive committee of the Southern
Rights' party for the state. (1)

(For 1867-note see next page)

it was further decided that the Southern Citizens' Association should be organized for the purpose of active political action and with the object of executive committee and a body for carrying out the party principles. A final resolution declared that the interest and honor of North Carolina demanded political connection with the Southern Confederacy.

In the two days' proceedings of this Goldsboro convention is observable an entire absence of any disposition to preserve the Union. No word indicated the existence in the mind of any person of a hope of the restoration of that unity and brotherhood which once existed between the sections. No form of compromise likely to be reached offered security; therefore, the party stood ready to carry into practice the particularistic theory of the government which had never been seen where the State Rights party was now strongest. Within a week of the adjournment of the convention the citizens of every State Rights county had organized in accordance with the recommendation.⁽¹⁾

In changing times a party with a policy to offer secure a advantage by reason of its readiness and positive program. The unanimity of the representa-

note. The convention adopted the name, "Southern Rights" in lieu of State Rights, which had been used in the campaign for the convention.

(1) Wilmington Daily Journal, March 20, 1861. New Hanover formed its Association March 20, 1861.

tives in the Goldsboro convention, their aggressive-
 ness, and the definiteness of their plans, are in
 sharp contrast with the confusion that prevailed among
 the unionists. Though in a majority, the unionists
 were forced into the attitude of merely a opposi-
 tion party. Only post blessings could be instanced
 as reasons for fidelity to the Union. This could
 not long be a very potent argument when the prospect
 was so threatening and the future unfathomable.
 The unionists, unable to offer a solution, could only
 attack the irregularity of the proceedings of the
 state rights party. The Goldsboro convention was
 bitterly assailed, and Moses was accused of trying to
 induce the leaders to override the will of the people.

(1)

The Disunion leaders were reminded that the ballot-
 box was the arbiter of all political controversies
 in our form of government; that the decision had been
 given on February 25, and, until a new contingency
 arose, should be final.

(2)

Freedom of speech and toleration of opposing
 opinion were generally insisted upon throughout March
 and the first two weeks of April, though infractions
 of the rule were occasional on the part of both parties

(1) Caroline Fitchman, March 25, 1861.

(2) Ibid., April 2, 1861.

in the respective localities where they were in large

(1)

majorities. In Wayne, a strong secession county,

the speaker gave offense by his conservatism on the leading question, slavery. He committed the secessionists

waited upon him and threatened a coat

of tar and feathers as a punishment for his senti-

(2)

timent. In Raleigh on April 1, some young men

wearing Confederate cockades in their hats, raised

a small Confederate flag on a pole in a vacant lot.

The movement excited the ire of many of the bystand-

ers, and called forth a threat to cut down the pole.

Though the threat was not executed, one bellicose

union man blazed away at the flag with a rusty old

(3)

fire-lock amid the applause of the crowd.

(4)

Raleigh, however, stood firmly unionist, despite

(1) Early in January, Hinton R. Helper's book, "The Impending Crisis," brought a number of abolitionists into trouble in Guilford, Randolph, and neighboring counties where the Quakers' influence was very strong. This book was classed under "incendiary literature", against the circulation of which a state law existed.

(2) Standard, March 20, 1861.

(3) Raleigh Register, April 10, 1861.

(4) A train bearing a large number of secession delegates on their return from the Goldsboro convention made a stop at the Raleigh depot where a large crowd of citizens were collected Sunday morning, March 4.

The secessionists, fresh from the enthusiasm of their meeting, singing "Dixie" and otherwise giving vent to their feelings, were incited to a point to tell the waiting train that "Dixie" was "a good abolition note". Thereupon, the crowd, led by the abolitionists, to alight and prepare to board their cars.

Protestants were not lacking on the part of the delegates. A free-for-all fight was started up by the timely appearance of the train. See Standard, April 3, and Raleigh Register, March 27, 1861, for accounts of this incident. The Register expressed a fear of civil war within the state.

The Wilmington Daily Journal March 27, reported the Union sentiment of the capital.

the attitude of the Governor in his Administration.

The Southern States were not idle in perfecting an organization along the line laid down at Salisbury, and were busily engaged in holding county meetings and in sending petitions to the Governor for a call of the General Assembly in extra session. Public opinion was in a formative stage.

Governor Ellis was not yet prepared, however, without further developments to disregard the people's decision. For these he had not now long to wait. External events were hastening ^{which} ~~that~~ would ^affect North Carolina and force her to a rapid decision.

On the 12th of April Fort Butler was fired on by order of the Confederate Government. The next evening the garrison surrendered. Lincoln's call for troops followed on the 15th. Governor Ellis needed now only to direct the popular impulse. Immediately upon the reception of Secretary of War Cameron's telegram on ^{that day} ~~the 15th~~ that two regiments of troops were required of North Carolina, the Governor convened his Council, and after a short consultation, sent the following reply:

"Your dispatch is received, and, if genuine - which its extraordinary character leads me to doubt, - I have to say in reply, that I regard the levy of troops made by the Administration, for the purpose of subjugating the States of the South, as in

violation of the Constitution, or of the rights of
power. I can do no more to the alleged violation
of the constitution, or of the rights of liber-
ties of a free people. I am also at no distance from
(1)
North Carolina. "

A telegram from Governor Pickens of South
Carolina also reached Governor Ellis on the 15th. It
was written at Charleston, and read:

" Fort Sumter surrendered after our troops had
done terrible havoc upon it. There is a fleet off
our bar with several thousand troops on board. If
they attempt a landing, we are prepared for them. We
will do our duty. Fort Pickens has been reinforced.
(2)
Will North Carolina stand this? "

The telegrams of Secretary Cameron and Gov-
ernor Pickens, both received April 15, are representing
the appeals resolutely of the North and South,
left Governor Ellis in an uncertain state of mind.

On the same day he directed Captain Craton to proceed
with his command of 1000 troops from Galveston to
Beaufort and to take possession of the harbor and
(3)
Fort Mendenhall. A similar order was given to Colonel
Cantwell in regard to Forts Caswell and Johnson.

Both orders were executed by the 17th. These officers

-
- (1) Ellis MS. Letter Book, 398.
(2) Ibid, 399.
(3) Ibid, 400.

once in possession of the forts to act only on the defensive. On the 17th a regiment of militia was ordered to Fayetteville to take possession of the United States arsenal there guarded by a company of federal troops. The militia commander, Colonel Cooke, was instructed to employ force in the event of a refusal by the garrison to surrender. Force, however, was not necessary, the garrison's arms surrendering at discretion to the two thousand troops surrounding it. Brevet Major Anderson, in command of the arsenal and troops, resigned his commission under the United States Government, leaving the command to Lieutenant D'Lagnel who by the 27th had made all necessary preparations for sending his company down the river to Wilmington and thence to New York. The inhabitants of Fayetteville offered every courtesy and facility to the lieutenant, and on the 27th the company took steamer without any unpleasant incident mar- rying the departure. The United States mint at Char- lotte had been taken over on the 22nd. A military

inspector for the state was appointed and discovered

(1) 57,000 muskets and rifles; a complete battery of cannon; a large quantity of powder, and other mil- itary stores were surrendered. See Fayetteville Observer, April 21, 1861.

President Jefferson Davis gives the number of muskets and rifles taken at Fayetteville as 57,000. See "The Rise and Fall of the Confederate Govern- ment," vol. 1., 471.

by the Governor to exercise all powers necessary for the public defense, to extinguish lights and to seize vessels belonging to the enemy. (1) Five thousand volunteers tendered their services to the Governor before the call for thirty thousand on the 10th. A military encampment was established at Raleigh where the work of drilling the State troops and the volunteers went rapidly forward. Large sums of money were subscribed by private individuals to assist in equipping the troops. (2) nominally, North Carolina was to remain a non-seceder in the Union. In reality, she was out of it the day after Secretary Seward's telegram for troops was received.

By proclamation on April 17 Governor Ellis had called the members of the General Assembly to meet in extra session the first day of May. The proclamation closed with the words: "United action in defense of the sovereignty of North Carolina and the rights of the South becomes now the duty of all." (3) The Virginia legislature on the same day passed its ordinance of secession, subject to ratification by a vote of the people. (On the 25th it ratified the Constitution of the Provisional Government of the Confederate States of America, at the same time enter

(1) Ellis to S. Letter Book, 412. Ellis to Inspector Whitney.

(2) Raleigh Register, April 22, 1861.

(3) This proclamation may be found in all the State papers of date.

ing into a convention at which all Virginia's counties,
North, and military movements were placed at the disposal
(1)
of the Confederate Government. The secession
of Virginia went far toward stilling the voices in
North Carolina that were yet inclined to be raised
(2)
for the government of the fathers.

After the call of Mr. Lincoln for troops, resistance, whether it be termed secession or rebellion, became the overwhelmingly prevailing sentiment in North Carolina. Differences on the theory of the Constitution were for the moment hushed in the line of preparation for battle. Abridgment of party differences for a common purpose, rather than a surrender of principles on either side, secured unity of action. Mr. Graham admitted early in May that the time was ripe for revolution.⁽³⁾ Mr. Sadger expressed similar views but favored a central confederacy as the object of revolution.⁽⁴⁾ Mr. Holden was less committed; he drifted with the tide, he receding at the same time the supremacy of northern and southern extremists.

The unionist press with unwearied activity occupied the

(1) Stephens, "War Between the States," vol. 11, 370.

(2) The Greensboro Patriot was the last reputable journal in the state to advocate separation.

(3) William A. Graham's speech at Millshoro, Standard, May 15, 1861.

(4) Letter of Mr. Sadger, Raleigh Register, May 10, 1861.

(1)
ar tion to be inevitable.

Governor Ellis took General Assembly May 1st, with an able criticism of the 12th of March to convert those who did not believe in the constitutional right of secession. He reviewed the whole theory of government under which the Constitution was founded. (2) The Southern position of state sovereignty was clearly defined, as set forth by the framers of the constitutional compact. Assuming that the state would secede and join the Confederacy, he recommended a convention of the people, as the only method by which secession could constitutionally be accomplished. The convention, he said, should be unlimited because of the need in strenuous times of resorting to a tribunal for decisions; the action of the con-

(1) The Fayetteville Observer took issue April 15. With stubbornness and reluctance it came to support a separatist policy and independence of the state, free of North or South. It blamed "the effects of a stupid and treacherous administration on the one hand and the malcontent fireeaters on the other" for "the guilt and folly of destroying the best government on earth." Observer, April 15, 1861.

The Carolina Watchman, the organ of this sentiment in the West, came over without any reservations April 27, it said: "President Lincoln's proclamation and call for volunteers to coerce the seceding States has, for the time being, settled every political difference between the people of this section. If he had spent a whole year in giving a lecture to unite the Southern people he could not have done it or anything more successful."

(2) Record, Ellis MS. Letter Book, 408, et seq.

vention to limit the exercise of the importance of a speedy
separation from the northern government. The mes-
sage further showed what action had been taken to
place the state in an attitude of offensive and de-
fensive warfare and recommend a large appropriation
for armaments and the manufacture of arms.

The Assembly took swift action on the conven-
tion bill, (1) carrying it through all its readings
and to its final passage on the first day of the
~~session~~ *session*. The bill provided for a convention, un-
restricted in powers and final in action, to be com-
posed of 120 delegates elected on a general basis
of population in the counties. The election should
be held on the 1st, and the convention met on the
20th. So rapidly did legislative machinery move that
the governor was able to issue his election procla-
mation on the same day that he sent in his message
recommending the convention. Other important rec-
ommendations, in a special message from the governor,
were speedily embodied in legislative enactments.

The governor was authorized to tender to Virginia
the services of North Carolina troops not immediate-
ly wanted for coast defense. (2) Five hundred thousand
dollars were placed at his disposal in addition to the

(1) Journal of the U. S. General Assembly, Extra ses-
sion, May 1, 1861.

(2) Resolutions passed May 1, 1861.

document is preserved in the archives of the State of New York.

(1)

state. A bill was passed authorizing counties to raise an militia for the purpose of arming and equipping volunteers.

(2)

The statute requiring state officers to take an oath to support the Constitution of the United States was repealed.

(3)

The Democratic program of secession encountered no opposition.

The constitutional union Democrats, now that they considered the Constitution definitely broken by the aggression of the North, had gone over in a body to the side of their secession brethren. The nationalists, ready for revolution, sided in the preparations.

(4)

In the twelve days intervening between the all state convention and the election of delegates there was little time for an alignment of parties. The only point of difference was whether separation should take the form and title of revolution or of secession. This would depend upon whether the convention was controlled by those who held the national theory of the Constitution or by those who held the compact theory. In most of the counties party lines were obscured to such an extent that there is no

(1) Journal of the N. Y. General Assembly,
Extra Session, May 2, 1861.

(2) Ibid. Same date.

(3) Ibid. May 3, 1861.

(4) Ibid. This fact was recorded in the official
and public documents of the state.

... of the ... of their ... in the
 convention. In every county the ...
 (1) ... Those who had been ... as union-
 ists in February now became candidates as revolution-
 ists, but with much less hope of election over their
 secession of opponents.

The Convention assembled May 20, with unre-
 stricted powers, but under implied instructions to
 secede from the federal Union. Of the one hun-
 dred and twenty delegates elected the whole number
 were soon in attendance. That the people of the
 state realized the gravity of the situation is attested
 by the character of the Convention. Sixty-seven of
 the delegates had had the advantage, either in whole
 or in part, of a collegiate education. Of the re-
 maining fifty-three, sixteen were physicians, ...
 (2) ... delegates the only names of political prominence that
 were absent were those of E. B. Vance, James I. More-
 head and Willie F. Mangum, of the Whigs, and Senators
 Clingman and Bragg, Charles Manly and Moses L. Fiedsoe
 of the Democrats. The absence of these leaders

(1) Messrs. Geo. E. Talger, W. W. Hulen, and H. P. ...
 latter were re-elected in Wake after a close contest
 with Thomas Bragg, Charles Manly and G. W. Morehead.
 (2) McCormick, J. A. Personality of the Convention of
 1861 published in James Sprunt Historical Monographs.
 Mr. McCormick's monograph was prepared under
 the personal supervision of Prof. ... of the
 Dept. of Hist. in the Univ. of N. C. Prof. ...
 was a member of the convention.

The in 1861, it is the duty of the people to
submit to the government, and to the
conflicting views of the different
to the government in the same manner.

The convention of 1861, held at Raleigh, was
chaired over by A. Graham, who was of sixty-five
to sixty-eight. Mr. Graham had been a member of
the self-constituted Goldsboro Convention. Mr.
Graham was the candidate of the revolutionists.

Immediately after organization, Mr. Badger offered
his ordinance of secession, based on the right of
(1)

revolution. This document is remarkable for
the evenness of its tone and for the vivacity with
which it portrayed the past and present political
condition of the state. The long preamble recited
the grievances of North Carolina, her efforts to re-
main in the Union and her reasons for the same, and
finally, the climax of her grievances in Lincoln's
proclamation and call for troops. Then followed the
ordinance declaring North Carolina to be in seces-
sion. All reference to secession as a lawful right
was carefully avoided by Mr. Badger.

Before the
vote was taken Mr. Orange, the floor leader of the se-
cessionist, offered an ordinance and moved it as

(1) Journal of the North Carolina Convention of
1861, 10, 11.

...the ... of ... (1)

... of 1862, ... (2) ... (3) ... (4) ...

... revolutionists ...

(1) Journal of the North Carolina Convention of 1861

(2) The Secession ordinance introduced by Mr. Orange and by which North Carolina withdrew from the Union, was written by Judah P. Benjamin of President Davis' Cabinet and sent by special messenger, Mr. James J. Hines, to Governor Ellis at Salisbury. Governor Ellis charged Mr. Orange its introduction in the convention. The object of the Confederate Government was to secure uniformity in the action by which the border states should withdraw. Mr. Hines, the Confederate messenger, is now living in St. Louis, Mo.

(3) The Union-Loving ...

(4) Journal of the Convention, ...

... votes against the constitution were cast.
Gilmer, Graham, ^{le} ~~the~~ _^ Percival, Walker, Wick and
Holden, all life-long Whigs, except the two last
named, who were recent secessionists.

Immediately after the passage, the vote on
the passage of the substitute ordinance was taken
(1)
and resulted in a unanimity of votes. The resolution-
ists delayed it until they had won the attitude of
the State at which a period of continued division
over the question of constitutional interpretation.

Within an hour after the passage of the ordinance
or indeed a second ordinance was introduced and passed
ratifying the Provisional Constitution of the
Confederate States of America. Thus the citizens
of North Carolina had been under three different gov-
ernments within the space of a few hours. The
State had been the last of the Southern States to
enter the Union and the last to withdraw.

The record of the ages in hours upon the sub-
stitution of the ordinance of secession for the
or indeed of revolution enabled the vote of each de-
legate to be traced to the county which he represented.
Having done so, we can see the influence of
order towards the question that is involved in
the record of the Convention, viz. the question of
secession, and the question of the Union, and the
question of the Constitution. The Convention first and last voted
against the Union and the Constitution.

the constitution of the State. It is based on the
assumption that the constitution of the State is
based on the fact that these people have, in turn, ac-
quired the territory: first, where slavery is
an essential institution. It is not so, as in the main
part of the country; second, where the staple crop is
not grown and slavery is consequently a weak econo-
mic factor, as in portions of the ^{the} ~~the~~ _{the} country;
third, where the Quakers were prominent, as in Guil-
ford, Randolph, and Chatham counties; and fourth,
where a large proportion of the ^{cal} ~~cal~~ _{cal} population
slavery existed, as in the poorer eastern part of
the State.

Conclusion.

From the foregoing study the writer feels that the following conclusions may be justly drawn:-

First: that North Carolina entered the federal Union in the belief that the act by which she ratified the Constitution did not divest her of sovereignty. The theory obtained that sovereignty was divisible and that the federal government was the agent of the federated states empowered to exercise their sovereign powers to the extent granted by the constitutional compact.

Second: that the slight jealousy manifested for state sovereignty by North Carolina during the first fifty years of union was due not to a change of theory but to a growing sense of appreciation of the benefits derived from the work of the agent, a government which should be loyally supported as long as its controlling principle was a just preservation of the line of demarkation between the powers delegated to it and those retained by the states.

Third: that during the Whig regime in the state from 1835 to 1850 the first indications appeared of the growth of a true national spirit. This spirit, though weak in the first years of its existence and confined to the portion of the state which was less influenced by slavery,

really interpreted the constitution as having created not a federal compact of sovereign States, but an indissoluble national unity.

Fourth: that though this spirit of nationalism grew apace under pressure of fear for the Union aroused by the slavery agitation from 1850 to 1860 it never became strong enough to successfully combat the states rights' forces which were united in defense both of slavery and the principle upon which they conceived the Union to be founded.

Fifth: that a majority even of those who believed in the compact theory went out of the Union in 1861 reluctantly, under pressure of rushing events, influenced by a common interest with the slave states, and in the belief that secession, though now inevitable was too hastily adopted as a remedy for the grievances of the South.

Sources used in the preparation of this Study.

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